

3. Applications for designation as an Australian airline

An Australian carrier granted an allocation of capacity must be designated by Australia before it is able to operate international air services. Australian carriers seeking designation are required to demonstrate their capability to comply with the provisions of Australia's bilateral air services agreements including the requirement that they are substantially owned and effectively controlled by Australian nationals.

New airline applications

Intending Australian international carriers are required to meet a number of national interest criteria, including:

- at least two-thirds of the Board members must be Australian citizens;
- the Chairperson of the Board must be an Australian citizen;
- the airline's head office must be in Australia;
- the airline's operational base must be in Australia; and
- no more than 49 percent of the total value of the issued share capital can be held by foreign persons.

Subsection 11 of the *Air Navigation Act 1920* requires an Australian international airline to advise the extent, if any, of foreign airline shareholdings. The Government will require information on the shareholdings of any airline which holds or applies for Australian designation. The Government will withhold or withdraw designation from an airline should aggregate holdings by foreign persons exceed 49 percent.

(It should be noted that separate legislative provisions apply to Qantas Airways Ltd under the *Qantas Sale Act 1992*.)

Airlines must supply proof of the nationality of the interests holding substantial ownership and effective control of the airline, specifically:

- (Proprietary companies) – ASIC company extract/report
- (Public companies) – ASIC documentation and documents evidencing company shareholding and control (e.g. share registry extract)

Once all the necessary documents have been received, in parallel to the preparation of the tasking cable and TPN text (see below), an email or file note should be prepared evidencing the consideration of the above-noted criteria and the assessment of the airline's compliance with those criteria. This note/email should be provided to the Section Head and Branch Head clearing the tasking cable and TPN text.

To action the designation, a Third Party Note (TPN) is to be drafted, then sent by cable to the Australian Embassy or High Commission in the relevant country, requesting that the TPN be sent to that country's Ministry of Foreign Affairs or equivalent body officially designating the airline as an Australian carrier

The cable should ask for a copy of the TPN to be sent by email/fax to the action officer.

On receipt, the action officer must place a copy of the TPN on the ASA file, the Basic Docs file, and in the hard copy/electronic Black Books. A copy of the TPN should be sent to the airline for their records.

Applications from existing international airlines seeking to commence new routes

On receipt of an application from an airline already designated under other arrangements, the airline's continued compliance with the above-noted designation criteria should be considered. If the airline has submitted a recent Compliance Declaration Form confirming that there have been no changes to its structure, and if no other information causes concern that the airline no longer meets the applicable designation criteria, then continued compliance with the criteria may be inferred. This should be noted in an email to be prepared for consideration by the Section Head/Branch Head clearing the tasking cable (see below).

Once all the necessary documents have been received, a Third Person Note (TPN) is to be drafted, then sent by cable to the Australian Embassy or High Commission in the relevant country, requesting that the TPN be sent to that country's Ministry of Foreign Affairs or equivalent body officially designating the airline as an Australian carrier.

The cable should ask for a copy of the TPN to be sent by email/fax to the action officer.

On receipt, the action officer must place a copy of the TPN on the ASA file, the Basic Docs file, and in the hard copy/electronic Black Books. A copy of the TPN should be sent to the airline for their records.

4.1. IAL Initial Application

Introduction

The system of International Airline Licences (IALs) is established under the *Air Navigation Act 1920* (the Act) and its accompanying regulations, the *Air Navigation Regulations 1947* (the Regulations). IALs ensure that scheduled international air services are operated in accordance with bilateral air services agreements and arrangements between Australia and other nations. In addition, they act as a final checking mechanism to ensure that various safety and security approvals are in place prior to the commencement of operations.

The purpose of these guidelines is to provide an overview of the process to be used in assessing an application for an IAL. Section 3 of the guidelines outlines the criteria airlines must satisfy in order to be granted an IAL and lists the documentation airlines need to provide in their application to demonstrate they meet these criteria. Section 4 specifies the acceptable standard of documentation. These guidelines should be used in conjunction with the IAL Assessment Checklist to ensure that each requirement is satisfied. These guidelines are an aid to decision-making and supplement the requirements prescribed in the Regulations, and should be used in conjunction with the Regulations.

Who needs to apply?

Any airline proposing to conduct scheduled international air services into or out of Australian territory must apply for and be issued an IAL before it may commence services. This includes code share and cargo only operations. Airlines proposing to operate scheduled international air services over Australia without landing are currently exempt from the requirement to hold an IAL by a Determination of the Secretary of the Department of Infrastructure and Regional Development (Infrastructure)

Once airlines have been issued with a new IAL, they will be advised of their responsibility to complete and lodge a Compliance Declaration Form (CDF) with Infrastructure every six months, declaring their continued compliance with licence conditions.

Representation by lawyers or other agents/third parties

If an approach is made by a lawyer, agent, or other third party claiming to represent an airline, the airline must provide us with a written statement that the lawyer/agent/third party has been retained to act on their behalf. All applications must be made by the airline themselves.

Before the assessment

- a) Upon receiving an application for an IAL, the officer processing the IAL should acknowledge receipt of the application.
- b) It is necessary to create a hard copy file for the airline's application (if one is not already created). To create a new file, go to:
<http://pre-intranet/DOTARSforms/StationeryForms/PhysicalFileRequestForm.asp> and fill in the required information. For an IAL application, the suggested file title is "TRANSPORT SERVICES AND REGULATIONS – Industry Standards Compliance – AIRLINE NAME – AUSTRALIAN INTERNATIONAL AIRLINE LICENCE". The application should then be printed off and stored in this file. The file should be classified "commercial in confidence".
- c) Open the IAL database located here:
<G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\IAL System.accdb>. The database will open to the IAL Documents Form – the normal working form. Click on 'Go to Reports and Edits – Maintain Tables – Open Airline Table'. Scroll to the bottom of the table to find the field for new

entries and fill-in the 'Airline Code', 'Airline Name' and 'Country or Airline Designator' fields. Ensure 'Active' is checked and then exit the form.

The required information can be found at: <<http://www.airlinecodes.co.uk/aircodesearch.asp>>.

- d) Back in the 'IAL Documents' form, click on 'Go to Reports and Edits – Maintain Tables – Open Airline Contact Table'. Select the relevant airline and add its contact details to the table, including the published phone number for Australian consumers. Exit the form.
- Back at the 'IAL Documents' form, choose the airline from the drop down list at the top of the form and start a new application assessment. To do this, select APPFLOW from the drop down list under 'Document Type' and enter the date the application was submitted under 'Date of Application'. Ignore 'season' - this will only be used with future CDF processes. Select extension 'pdf'. The document name is automatically constructed in the 'Document Name' field. Highlight the document file name (grey field) and copy it.
- e) Click on 'Go to Reports and Edits – Select a new form to open – APPFLOW Form' you should then immediately save this form here:
<[G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\Documents](#)> using the name copied in Step c). Exit the form. Note - If the document is confidential it must be saved in the 'Confidential Documents' directory, and 'Confidential' selected in the Airline IAL Record.
- f) Close the appflow pdf document and return to the IAL Documents form to re-open the appflow.pdf using the 'hyperlink'. If these steps have been followed correctly the hyperlink will open the appflow document. During assessment sign the form where indicated.
- Note** - Please do not create a new file name each time you sign and save the form (just overwrite the previous form) – when you sign the form a new version is created.

If, at this stage, it is evident that there is any outstanding documentation, the airline should be contacted with a request to provide the required information. Once all necessary documentation has been received, the application may be assessed against the requirements outlined below.

The section below also lists the documents that may be accepted as evidence that the airline has satisfied requirements. The decision as to whether the provided documentation is sufficient to meet each requirement is left to the assessor's judgment, subject to the provisions of the relevant air services agreement/arrangement. An IAL may only be issued to an airline once all requirements have been satisfied.

Assessing the application – requirements to be met

Use the IAL Assessment Checklist, located in <[G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\Working Docs\Word Documents](#)>, to 'tick-off' the relevant documentary evidence provided by airlines for each requirement. Where evidence is not provided or does not meet the threshold in the checklist, airlines must be contacted for further information. For more information on what documents are acceptable for each requirement, past assessment minutes may be opened by clicking on the 'APP' hyperlink for any airline in the IAL database. It is recommended that prior to beginning the assessment you have a look through an assessment minute for an airline of the same country as the airline being assessed.

a) Contact Details

Airlines are to provide the following contact details in their IAL application:

- Head Office
- Operating Headquarters
- Australian Offices (where applicable for foreign operators)
- Published Australian phone number (for customer queries)

b) Corporate Existence

Requirement:

Airlines are required to supply evidence of their corporate existence.

Documentary Evidence:

(i) Australian Airlines

- Certificate of Incorporation issued by ASIC (mandatory)
- Certificate of Change of Name issued by ASIC (where applicable)
- Copy of company constitution demonstrating compliance with Section 11A of the *Air Navigation Act 1920* (mandatory)

(ii) Foreign Airlines

- Certificate of Incorporation or equivalent
- Certificate of Change of Name (where applicable)

c) Nationality of Ownership and Control/ PPOB/Incorporation

Requirement:

Airlines must supply proof of the nationality of the interests holding substantial ownership and effective control of the airline or, in case of foreign airlines, compliance with relevant air services agreements in relation to nationality provisions.

(i) Australian Airlines

Ownership provisions for Australian airlines require that foreign shareholdings be limited to no more than 49 per cent of the total value of the issued share capital of the Australian airline.

Control criteria require that:

- at least two-thirds of the Board members are Australian citizens;
- the Chairperson of the Board is an Australian citizen;
- the airline's head office is in Australia; and
- the airline's operational base is in Australia.

Note: Separate legislative provisions apply to Qantas Airways Ltd.

(ii) Foreign Airlines

Foreign airlines must demonstrate compliance with the relevant international air services agreement and/or arrangements in relation to ownership and control and/or principal place of business and/or incorporation.

Documentary Evidence:

(i) Australian Airlines

- (Proprietary companies) – ASIC company extract/report
- (Public companies) – ASIC documentation and documents evidencing company shareholding and control (e.g. share registry extract)

(ii) Foreign Airlines

- Document from home corporate regulator (equivalent to ASIC) evidencing company shareholding and control.

Note: If foreign companies are unable to produce the above, a letter of declaration signed by an authorised officer, for example a member of the Board of Directors, listing the nationalities of the shareholders and directors may be accepted. Documents issued more than 12 months ago should be considered out of date.

d) Air Operator's Certificate

Requirement:

An Air Operator's Certificate (AOC) is a permission granted by the Civil Aviation Safety Authority (CASA) under the *Civil Aviation Act 1988* to operate an aircraft. Airlines may apply for an IAL and AOC simultaneously; however, airlines providing own-operated services must hold an AOC prior to receiving an IAL. Assessors must verify all air operator AOCs using CASA's AOC register. The register is available at: http://www.casa.gov.au/scripts/nc.dll?WCMS:STANDARD::pc=PC_90359. In addition, it is important to contact CASA to confirm that the airline holds a valid AOC and that CASA has no current enforcement

actions against the airline. CASA should also be advised of any intended wet/damp-lease operations. CASA's International Operations Officer can be contacted on (07) 3144 7400 or at <International_Ops@casa.gov.au>.

(i) Code Share Arrangements

Marketing airlines in a code share arrangement are not required to hold an AOC; however, they must provide a declaration in their application noting i. their operating partner and ii. that the operating airline holds a valid AOC. The operating carrier's AOC should be verified.

(ii) Wet-/Damp- Lease Arrangements

Airlines proposing to use wet or damp-leased aircraft to conduct their services are not required to hold an AOC; however, they must provide a declaration in their application noting that the wet-/damp-leased aircraft provider holds a valid AOC. The operating carrier's AOC should be verified.

Documentary Evidence:

- Confirmation that the airline holds a valid AOC (sourced from CASA's AOC register and confirmed by CASA)
- *Code share arrangements only* - declaration by the marketing carrier that the operating carrier holds a valid AOC and confirmed with CASA
- *Wet-/damp- lease arrangements only* - declaration that the wet-/damp- leased aircraft provider holds a valid AOC and confirmed with CASA

e) Transport Security Program

Requirement:

A Transport Security Program (TSP) is a preventative security plan that sets out security measures and procedures to be implemented to safeguard against acts of unlawful interference with aviation. Airlines must have a TSP in place, as approved by the Office of Transport Security (OTS) within Infrastructure, prior to receiving an IAL.

OTS should be contacted to confirm that the airline has an approved TSP. The OTS National Coordinators can be contacted at <national.coordinator@infrastructure.gov.au> to verify TSPs.

(i) Code Share Arrangements

Marketing airlines in a code share arrangement are not required to have a TSP; however, they must provide a declaration in their application noting i. their operating partner and ii. that the operating airline has an approved TSP in place. This should be verified with OTS.

(ii) Wet-/Damp- Lease Arrangements

Airlines proposing to use wet or damp-leased aircraft to conduct their services are not required to have a TSP, however, they must provide a declaration in their application that the wet-/damp- leased aircraft provider has an approved TSP. This should be verified with OTS.

Documentary Evidence:

- Confirmation that the airline has an approved TSP in place (in the form of an approval note issued by Infrastructure or a statement from airline, as confirmed by OTS, or advice from OTS)
- *Code share arrangements only* - declaration by the marketing carrier that the operating carrier has an approved TSP in place. This should be verified with OTS.
- *Wet-/damp- lease arrangements only* - declaration that the wet-/damp- leased aircraft provider has an approved TSP. This should be verified with OTS.

f) Insurance

Requirement:

Part IVA of the *Civil Aviation (Carrier's Liability) Act 1959* (CACL Act) imposes mandatory, non-voidable insurance requirements upon airlines that carry passengers to or from Australia for reward or hire.

In addition, Regulation 16 of the Regulations provides that applicants are to provide evidence that they hold insurance in relation to:

- passenger liability;
- third party liability;

- cargo and baggage liability; and
- injury and loss as a result of active hostilities or civil unrest (war risk liability).

The Department expects all carriers to hold this insurance. **Note:** For cargo-only operations, the carrier must hold insurance for all of the above liabilities, with the exception of passenger (and baggage) liability.

(i) Passenger Liability

Airlines should have in place passenger liability insurance to ensure that compensation will be paid in respect of death or personal injury suffered by passengers on the carrier's aircraft. Certificates of Insurance Compliance previously issued by CASA are no longer required. Instead, airlines applying for an AOC authorising passenger carrying operations will need to provide evidence to CASA that an acceptable contract of insurance is in place before CASA will issue them with an AOC. If the airline does not maintain a valid carriers' liability insurance contract, CASA will automatically cease to authorise any passenger carrying operations. Therefore, when assessing an IAL application, the insurance policy should be considered together with the AOC.

When assessing passenger liability insurance, the assessor must ascertain:

- a. whether or not the insurance certificate/declaration covers passengers; and
- b. whether or not a valid AOC has been issued for the proposed service(s).

If the answer to both queries is 'yes', the assessor may infer that Part IVA of the CACL Act has been met.

Note: Section 28BA of the *Civil Aviation Act 1988* provides that an airline's AOC will automatically cease to authorise passenger-carrying services where an airline does not maintain its insurance policy.

(ii) Third Party Liability

Airlines should hold insurance covering their liability for compensating third parties on the ground suffering death, injury or damage from aircraft. Current arrangements do not specify a minimum amount that is necessary.

(iii) Cargo and Baggage Liability

Airlines should hold insurance covering cargo and baggage liability to ensure that compensation will be paid where cargo or baggage is damaged or lost during the course of carriage.

When assessing cargo and baggage liability insurance, the assessor should determine:

- a. whether or not the insurance certificate/declaration covers cargo and baggage; and
- b. whether cargo and baggage insurance cover is provided to a separate amount.

(iv) War Risk Liability

Airlines should have insurance covering their war risk liability. When assessing Third Party insurance contracts, it is common to find references to so-called AVN48 exclusion clauses, such as AVN48B and AVN48C. These clauses relate to the practice of the insurance industry to exclude or restrict the availability of insurance for events involving particular weapons of mass destruction. Reference to an AVN48 clause in a standard Third Party insurance policy indicates that the policy excludes insurance for events involving particular weapons of mass destruction, including nuclear explosions, and so-called 'new perils' such as chemical/biological warfare, 'dirty bombs', and electro-magnetic pulse devices. However, airlines may pay an additional premium to "write back" most excluded risks, with the exception of nuclear explosions, into their policy. In this case, the insurance policy will contain an AVN52 "write back" clause, such as AVN52H, AVN52K, and AVN52D. Therefore, when assessing Third Party insurance coverage, it is necessary to confirm that the insurance policy contains a "write-back" clause.

Documentary Evidence:

Passenger, cargo and baggage, third party and war risk liabilities:

- copy of a certificate by an insurer that the insurance is in force; or
- copy of a contract of insurance; or
- written receipt of payment of premium for the insurance; and

- Inclusion of an AVN52 "write-back" clause into the insurance policy

Note: The above liabilities may be covered in the same or separate contracts of insurance or certificates from insurer(s).

Insurance requirements with respect to code share/wet- or damp-lease arrangements:

Insurance arrangements between airlines involved in a code share, wet- or damp-lease arrangement are considered a commercial decision for the airlines involved, provided that arrangements are in place for their liabilities to be met. When assessing insurance cover for marketing airlines in a code share, wet- or damp-lease operation, evidence of how their liabilities are covered under the code share/leasing arrangement (e.g. copies of code agreements that include indemnities, evidence of additional insured arrangements, etc) is required.

g) IASC Determination (Australian airlines only)

Requirement:

Australian airlines are required to have an allocation of capacity from the International Air Services Commission (IASC) prior to receiving an IAL.

Documentary Evidence:

- Copy of the relevant IASC determination – mandatory for Australian airlines

Note: If the relevant IASC determination is not provided by the applicant, it can be obtained from the IASC website. If there is a problem, contact the IASC Secretariat.

h) Designation

Requirement:

All airlines must demonstrate that they are designated by their country/authority under the relevant international air services agreement and/or arrangement between Australia and their country of designation.

Documentary Evidence:

- Third Party Note from relevant authority permitting airline to conduct services
- Declaration from airline that they have been designated

Note: Where an applicant is a previous IAL holder and has not provided the third party note (TPN) designating them as an airline of their country/authority, no further evidence is requested. Assessors may wish to check for the relevant TPN in the applicant's existing IAL file for reassurance of appropriate designation.

i) Timetables

Requirement:

Applicants must submit details of their proposed timetables to Infrastructure separately to the IAL application process. Timetables are to include the type of aircraft to be used for each scheduled international air service and must be approved before air services may commence.

Documentary Evidence:

All applications must include the following evidence:

- Draft proposed flight timetable or copy of timetable schedule as provided to Infrastructure for approval
- Details about of proposed aircraft type (including Non Chapter-3-compliant aircraft)
- Other similar document, evidencing proposed services/aircraft/noise compliance

Standard of Documentary Evidence

Applicants do not need to certify each individual attachment to an IAL application. Rather, documents may be certified as a whole on the front of the IAL application by a senior airline official. However, if the applicant is required to provide any follow-up documentation, each document must be separately certified on the front page, prior to submission.

Documents written in languages other than English must be translated. In most cases, only relevant extracts of the documents need to be translated. Translated documents need not be notarised, however, they must contain a statement by a senior airline official that the translation is true and correct.

After the assessment

a) Prepare documents (APPFLOW, minute, checklist and IAL) for approval

Having used the assessment check list to assess the application, you can now prepare the assessment minute complete assessment. When you open the assessment minute, located in <G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\Working Docs\Word Documents\Assessment minute templates>, use the 'find recipient' tool in 'Mailings' to merge the correct airline information into the letter. Before you continue editing the document, click on 'Finish and merge - edit individual document - current record' and save the document in your working folder.

Consideration should also be given regarding the imposition of conditions on the IAL apart from the standard IAL conditions. In some rare instances it may be appropriate to impose extra conditions on an IAL (refer to reg 18B for more information). It may be appropriate to impose extra conditions on an IAL, in order to restrict or ensure certain conduct, or conditions that IASC determinations be complied with (in circumstances where the IASC has applied specific conditions beyond its normal conditions). The delegate may impose these extra conditions regardless of whether the IAL holder has breached any of the standard IAL conditions in the past. Extra conditions must be recommended to the delegate in the IAL minute, along with justification for the extra conditions. If non-standard conditions are proposed to be imposed on the IAL, the airline must receive 35 days notice of the proposed conditions (see 4.5 for further information).

In preparing the minute, check in *i-delegate* that the delegate for whom you have prepared the IAL for signature holds the appropriate delegation. In the case of issuing a new IAL, this should be Regulation 17A of the Regulations. The Regulation number and delegation used should be noted in the minute.

Before providing the minute and draft IAL to the delegate, the package should be checked by another officer. If the delegation will be exercised by an EL2 in the Aviation Industry Policy Branch, then an EL1 in the Air Services Negotiations Section should review the package and mark the Minute indicating their approval. If a Branch Head in the Division will be exercising the delegation, then the EL2 in the Air Services Negotiations section, or an EL1 if the EL2 is not available, should review the package and mark their approval.

Licence numbering – when preparing the IAL template, please open the contact register spreadsheet <G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\Working Docs\200900403 IAL Airline contact register.xlsx> and add the relevant airline to the 'New IALs' sheet. Insert the corresponding license number on the IAL template.

Provide the

- minute;
- IAL license;
- checklist; and
- APPFLOW

for the delegate to sign in order to finalise the process and grant a new IAL to the applicant. The above mentioned documents should be attached to the outside of the hard copy file, and all referenced documents inside the hard copy file should have numbered tabs attached to them.

b) Update IAL contact register and add approved documents to IAL Database

Once the APPFLOW, minute and IAL is signed by the delegate, do the following:

- i. Update the 'Date of Issue' column in the IAL contact register spreadsheet.

- ii. **APPFLOW and minute** – Scan the signed minute, appflow document and application checklist to your mailbox. Convert these documents to pdf's then combine them all into a single record and save in <G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\Documents>. This new, single record for the signed documents should be named and saved using the same method as in steps d) and e) of 'Before the Assessment' (use the 'APP' document type, not 'APPFLOW' here).
- iii. **IAL** – Scan the signed IAL then convert to pdf and save in <G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\Documents> Name the document using the same steps as above (use the 'IAL' document type).

Check 'Completed' in the *Airline IAL Record* for the IAL record.

c) Advise airline of application approval/rejection

Draft email and letter of approval to airline, using provided templates <G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\Working Docs\Word Documents\Application approved templates>. Attach the original IAL to letter.

Rejection letters and emails must be drafted from scratch. The applicant must be notified of the refusal/rejection within 14 of the decision being made by the delegate.

d) Inform relevant agencies of the grant of an IAL

Advise APP area of DIAC that the IAL has been issued (as this triggers the requirement to comply with APP) and the IASC (iasc@infrastructure.gov.au) if it is an IAL for an Australian airline.

e) Place all documents on hard copy file

Place all documents on the relevant hard copy file for the airline.

4.3 IAL Variation

An IAL can be varied by the Secretary or delegate under the Air Navigation Regulations 1947 (the Regulations) at the request of the licence holder or for other reasons (Regulations 18C and 18E). Variation of an IAL is most commonly at the request of the licence holder, such as the addition of a new route to its operations.

Representation by lawyers or other agents/third parties

If an approach is made by a lawyer, agent, or other third party claiming to represent an airline, the airline must provide us with a written statement that the lawyer/agent/third party has been retained to act on their behalf. All applications must be made by the airline themselves.

Variation at the request of a licence holder

A request by a IAL holder to vary its IAL is assessed to determine whether it is appropriate to vary the IAL in accordance with the provisions of Regulations, with a recommended course of action being provided for consideration by the delegate of the Secretary. If the variation is approved in accordance with the request from the licence holder, a new IAL variation is issued to the licence holder which includes the agreed amendments.

Regulation 18D requires notice to be given setting out the reasons for the proposed action before a variation is issued, even if the variation is at the request of the IAL holder. The IAL holder is to be given 35 days to respond. Therefore, once a variation request is received from an IAL holder, an email along the following lines should be sent by the delegate.

We have received [airline's] application dated [] to vary its IAL.

Under Air Navigation Regulation 18D, 35 day's notice of a proposed variation must be provided to the IAL holder prior to a variation being made. A delegate of the Secretary of the Department of Infrastructure and Regional Development intends to vary [airline's] IAL. The reason for the variation is to effect the request referred to above. Please indicate as soon as possible, but within 35 days, that [airline] has no objections to varying the IAL accordingly.

In preparing the minute, check in *i-delegate* that the delegate for whom you have prepared the IAL variation for signature holds the appropriate delegation. In the case of an IAL variation, this should be Regulation 18C and Regulation 18E of the Regulations. The Regulation numbers and delegation used should be noted in the minute.

Before providing the minute and draft IAL to the delegate, the package should be checked by either the EL2 in the Air Services Negotiations section, if the Branch Head (delegate) will be signing off the IAL or an (other) EL1 in the Air Services Negotiations section if the EL2 will be signing it off.

An examples of a variation minute can be found at G:\Aviation & Airports\Aviation Industry Policy\Regulatory Manual\Old versions\3 - Scheduled Airline Operations\3.2 - International Airline Licences

The original of the new IAL is forwarded to the airline.

Following the variation for an Australian airline, notice should be provided to the IASC (iasc@infrastructure.gov.au)

Other variations

If there is a need to take urgent action to vary an IAL on the grounds that the licence holder's IAL represents a risk to public safety or security, the Secretary may vary an IAL without prior notice being given to the licence holder.

4.5 IAL Suspension, Variation and Cancellation

An IAL can be suspended or cancelled by the Secretary or a delegate of the Secretary under Regulations and 18C and Regulation 18E of the Air Navigation Regulations 1947. The Department may initiate a cancellation, suspension or a variation of an IAL if the licence holder fails to meet the conditions of the IAL (for example, not operating services to Australia for two consecutive scheduling seasons or breaching another condition of its IAL). A licence holder may request cancellation, or the entity holding the IAL may cease to exist and administrators may request cancellation of its IAL.

In order to process all IAL suspension, cancellation or variations, a minute must be drafted for consideration by the delegate (check i-Delegate or latest Secretary's delegation instrument). The minute must also be checked by an EL1 (or EL2 if being approved by a SES1). The minute must outline the basis for the IAL action, the circumstances behind the action and reference all the necessary regulations.

For IAL suspensions, the cancellation instrument can be amended accordingly. If the IAL is to be varied, a new IAL should be issued to the licence holder and varied accordingly.

Cancellation or Suspension request by licence holder

This process must also be followed for instances where the licence holder requests the cancellation or suspension of its IAL.

Any intention to suspend or cancel an IAL must be assessed to determine whether it is appropriate to suspend or cancel the IAL in accordance with the provisions of the Regulations 18C, with a recommended course of action being provided for consideration by the delegate of the Secretary.

Prior to suspending or cancelling an IAL, the Secretary or delegate must give the licence holder notice in writing of the intention to suspend or cancel an IAL and setting out the reasons for the proposed action. The licence holder then has 35 days to respond to the notice.

Suspension, Cancellation and variation initiated by Department

If the suspension or variation of an IAL is also being initiated by the Department, a minute for signature by the delegate outlining the basis of the action is required must be prepared. The minute must also be checked by an EL1 (or EL2 if going to the General Manager) before given to the delegate for consideration.

Notification must be sent to the licence holder outlining the intention to cancel, suspend or vary the licence. If the licence holder does not provide a response or valid reasons for not cancelling, suspending or varying the IAL within the 35 days, the relevant action can then occur.

An example of a minute to the delegate in relation to an intention to suspend a licence, and an example of a letter to a licence holder advising of the intent to suspend an IAL, can be found at:

G:\Aviation & Airports\Aviation Industry Policy\International\Regulation\Int Airline Licences\OzJet

An example of documents required for a cancellation of an IAL initiated by the department can be found at:

G:\Aviation & Airports\Aviation Industry Policy\International\Regulation\Int Airline Licences\TAM

A template cancellation instrument can be found at:

G:\Aviation & Airports\Aviation Industry Policy\International\Regulation\Int Airline Licences\IAL Cancellation Instrument Template.docx

However, if there is a need to take urgent action to suspend or cancel an IAL on the grounds that the licence holder's IAL represents a risk to public safety or security, the Secretary may suspend or cancel an IAL without prior notice being given to the licence holder. If cancelling, suspending or varying an IAL is initiated by the Department, it would be prudent to check the legal basis for doing so, including, if appropriate, seeking legal advice.

Advice from the Australian Government Solicitor recommends that the Secretary not rely solely on upon "public interest" as a grounds for suspending or cancelling an IAL (Regulation 18C (h)). The regulations and Act do not contain a definition of "public interest" and therefore there may be competing arguments as to what comprises "public interest". Also, the decision to suspend or cancel an IAL is reviewable in the Administrative Appeals Tribunal (AAT), with the AAT likely to have regard to whether the decision to suspend or cancel an IAL is "proportionate" to the circumstances of the case.

Following the suspension/cancellation for an Australian airline, notice should be provided to the IASC (iasc@infrastructure.gov.au)

Kelly Wayne

From: Tony Wheelens [Anthony.Wheelens@virginblue.com.au]
Sent: Monday, 13 August 2007 9:50 AM
To: Kelly Wayne
Subject: RE: V Australia [SEC=UNCLASSIFIED]

Hi Wayne

Sorry about the delay. **S. 22**

S. 47G Virgin Blue International Airlines Pty Ltd trading as V Australia. VBIA's Australian Company Number is ACN 125 580 823 and its registered business and corporate mailing address is:

131 Barry Parade
Spring Hill
Brisbane 4004
Queensland

Cheers

T.

Tony Wheelens
Government Relations Manager
Virgin Blue - Long Haul
www.virginblue.com.au

Telephone: +61 7 3136 6194
Fax: +61 7 3136 6999
Mobile: +61 418 685 144
E-mail: tony.wheelens@virginblue.com.au

From: Kelly Wayne [mailto:Wayne.Kelly@dotars.gov.au]
Sent: Wednesday, 8 August 2007 5:03 PM
To: Tony Wheelens
Subject: V Australia [SEC=UNCLASSIFIED]

T.

Any further info on the company name?

Wayne
Disclaimer

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13/08/2007

0 1/10 18

5923

151 SB16/8
D. Crambell
R. Windon

Printed by Simone Moussa - 02:37 PM Tuesday, 14 August 2007

CE557317L Inver

Title: Virgin Blue International Airlines Pty Ltd, trading as V Australia: designation as an Australian international airline
MRN: CE557317L 14/08/2007 11:43:03 AM ZE10
To: Washington
Cc: RR : Ottawa
From: Canberra (CHCH/DFAT/DID/ISB/OAU)
From File:
References:
Response: Routine, Information Only

SELANO
(File: Virgin)
→ K. Wood
W. Kelly

UNCLASSIFIED

Summary

Virgin Blue has advised its new long haul international airline will be known as Virgin Blue International Airlines Pty Ltd, trading as V Australia (VBIA). Post is asked to prepare and deliver a TPN designating VBIA as an Australian international airline for services between Australia and the US. Grateful if post could provide DOTARS with a copy of the designation note prior to delivery time.

On 25 July 2007 Virgin Blue announced that the name of its new international longhaul airline would be 'V Australia'. Virgin Blue has since advised that the new airline will now be known as 'Virgin Blue International Airlines Pty Ltd, trading as V Australia' (VBIA). VBIA's is ACN 125 580 823 and its registered business and co

36
US

131 Barry Parade
Spring Hill
Brisbane 4004
Queensland

2. Virgin Blue has requested that DOTARS designate VBIA to operate international air services between Australia and the United States of America in accordance with the Australia - USA Air Transport Agreement.

3. As this designation will supersede the designation of Virgin Blue Pty Ltd which was advised to the United States Department of State on 22 May 2006 in Note No 166/2006, Post is requested to lodge a third person note which includes the text along the following lines:

The Embassy of Australia presents its compliments to the United States Department of State and has the honour to refer to the United States - Australia Air Transport Agreement of 3 December 1946, as amended (the Agreement).

The Embassy of Australia wishes to advise that the Australian Government, in accordance with Article III of the Agreement, designates Virgin Blue International Airlines Pty Ltd, trading as V Australia, to operate international air services on the South Pacific Route in accordance with the Agreement.

The Embassy of Australia would be grateful to receive early acknowledgement of this designation from the Secretary of the United States Department of Transportation. The Embassy of Australia further advises that as a result of the establishment of this new airline company, the Australian Government withdraws the designation of Virgin Blue Pty Ltd which was advised to the United States Department of State in Note No 166/2006 of 22 May 2006.

The Embassy of Australia avails itself of this opportunity to renew to the United States Department of State the assurances of its highest consideration.

4. Grateful if post could advise DOTARS in advance, by email to wayne.kelly@dotars.gov.au, of the date and timing of delivery of the designation note to the Department of State and provide a scanned copy of the note to be delivered.

5. DOTARS contact officer is Stephen Borthwick, Aviation Markets Branch: email (unclassified) stephen.borthwick@dotars.gov.au or telephone +61 2 6274 7739.

text ends

Sent by:	Sheryl Taylor
Prepared by:	Wayne Kelly
Approved by:	Stephen Borthwick
Topics:	POLITICAL-ECONOMIC/Civil Aviation

Canberra distribution

Cc:	Ministry	Prime Minister, Foreign Minister, Parl Sec Foreign Affairs, Foreign Min's Office, Trade Minister, Trade Min's Office
Cc:	DFAT	EXEC Secretary, DepSec Grey, DepSec Spencer, DepSec Bird, DepSec Chester, DepSec Ritchie
	EXB	AS-EXB
	GIB	AS-GIB, GIB
	ILD	FAS-ILD, AS-DLB, DLB, AS-ILB, ILB
	ISD	FAS-ISD, GCB, AS-NIB, NIB, IPL
	AMD	FAS-AMD, AMD-Coord, AS-USB, USB, AS-CLB, CLB
	OTN	FAS-OTN, AS-SSB, SSB, AS-TCB
	TDD	FAS-TDD, AS-APB, APB, AS-MDB, MDB, AS-TAB, TAB
	FTA TF	FAS-ATTF, ATTF, FAS-CFTF, CFTF, AS-FTAU, FTAU
	Regional	Dir (Melb), DepDir (Melb)
Cc:	OGOs	Commissioner, Officers
	AGS	Minister Justice&Customs
	ASA	Head, Officers
	ASIO	Head, Officers
	AUSAID	Director-General, DDG-PPI
	CASA	Head, Officers
	CUSTOMS	Head, Officers
	DEFENCE	Minister
	DOTARS	Deputy Prime Minister, Secretary, Officers

149

NSC	Head, Officers
NTAC	Head, Officers
ONA	Director-General, Officers
PMC	Secretary, FAS-INT, INT, FAS-NSD, NSD
PSCC	Director, Officers
TREASURY	Treasurer, Secretary, Officers

de-classified



P2006/0823

Nº 166/2006

The Embassy of Australia presents its compliments to the United States Department of State and has the honour to refer to the United States – Australia Air Transport Agreement of 3 December 1946, as amended (the Agreement).

The Embassy of Australia has the honour to advise that the Australian Government, in accordance with Article III of the Agreement, designates Virgin Blue Pty Ltd to operate international air services on the South Pacific Route in accordance with the Agreement. The Embassy of Australia would be grateful to receive early acknowledgement of this designation from the Secretary of the United States Department of Transportation.

The Embassy of Australia avails itself of this opportunity to renew to the United States Department of State the assurances of its highest consideration.



WASHINGTON
22 May 2006

de-classified



AUSTRALIAN EMBASSY
JAKARTA

Note No: 947/2010

The Australian Embassy presents its compliments to the Ministry of Foreign Affairs of the Republic of Indonesia and has the honour to refer to the draft Agreement between Australia and Indonesia relating to Air Services initialled in Sydney on 15 July 2010, and given interim effect by paragraph 4 of the Memorandum of Understanding (MOU) between the aeronautical authorities of Australia and Indonesia signed in Sydney on 15 July 2010.

The Embassy has the further honour to advise that the Australian Government, in accordance with Article 2 of the Agreement and the relevant provisions of the MOU of 15 July 2010 noted above, designates Virgin Blue Airlines Pty Ltd to operate international air services.

The Australian Embassy would be grateful to receive early acknowledgement of this designation from the Directorate General of Civil Aviation.

The Australian Embassy avails itself of this opportunity to renew to the Government of Indonesia the assurances of its highest consideration.


JAKARTA
14 September 2010

A circular seal of the Australian Embassy in Jakarta. The outer ring contains the text "AUSTRALIAN EMBASSY" at the top and "JAKARTA" at the bottom, separated by stars. The center features the Australian Coat of Arms.

10/5218

de-classified

Printed by Judy Houg - 04:34 PM Wednesday, 15 September 2010

Title: Indonesia: Air services -- designation of Virgin Blue Airlines
MRN: JA707527L 15/09/2010 11:56:01 AM ZE7
To: Canberra
Cc:
From: Jakarta
From File:
References: IC31043L
Response: Routine, Information Only

JA707527L

A. Prier
 P. Butler
 C. Applel
 P. Robertson
 D. n. d. d.
 S. B. A. N.
 L. P. O. C.
 A. Kulesa
 S. Lucas

de-classified

Third Person Note requested at reftel has been sent to Indonesia Ministry of Foreign Affairs and copied to Indonesia Directorate General of Civil Aviation. Copy of TPN has been sent to Department of Infrastructure separately.

text ends

Sent by: Stephen Shaw
Prepared by: Stephen Shaw
Approved by: Shaw
Topics: POLITICAL-ECONOMIC/Civil Aviation

Canberra distribution

To:	DFAT	SED	AS-SBB, AS-INB, INB
		FTD	FAS-FTD, Special Negotiator-FTD, AS-NGB, AS-NIB, NIB, AS-LCB, LCB, AS-AIB, AIB, AS-SGB, SGB
To:	OGOs	DITRDLG	Secretary, Officers
Cc:	DFAT	EXEC	Dep Sec Smith, Secretary, Dep Sec Wells, DepSec Bird, Dep Sec Grigson, Dep Sec Gosper
		PLB	AS-PLB, PLB
		SAA	AS-SAA, SAA
		DID	FAS-DID, AS-DSB
		ILD	FAS-ILD, AS-DLB, AS-ILB
		ISD	FAS-ISD, IPL, AS-SIB, SIB
		SED	FAS-SED
		OTN	FAS-OTN, AS-SSB, SSB, AS-TCB, TCB
		TED	FAS-TED, AS-APB, APB, AS-CAB, CAB, AS-IEB, IEB
		FTD	NGB
			PM Summary
Cc:	OGOs	PARLHSE	Prime Minister, PM's Office, Foreign Minister, Parl Sec Int'l Dev Asst, Foreign Min Advisers, Foreign Min's Office, Trade Minister, Parl Sec Trade, Trade Min Advisers, Trade Min's Office, Home Affairs Min, Deputy Prime Minister, Defence Minister, DITRDLG Minister
		AFP	Commissioner, Officers
		ASA	Head, Officers
		ASIO	Head, Officers
		ASIS	Dir Gen, ASIS
		AUSAID	Director-General, ADG-IET, IET, DDG-AWAMEH, HER
		CASA	Head, Officers
		CUSTOMS	Head, Officers

de-classified

29

de-classified

Printed by Judy Houg - 04:34 PM Wednesday, 15 September 2010

JA707527L

DIO	Director, Officers
DRET	Secretary, Officers
EMA	DIR-EMA, EMA
NSC	Head, Officers
NTAC	Head, Officers
ONA	Director-General, Officers
PMC	Secretary, DepSec De Brouwer, FAS-DIRC, FAS-INT, FAS-HBS
TREASURY	Secretary, Officers

de-classified

11/2590

3.176

From: Stewart.Lawson@dfat.gov.au
Sent: Wednesday, 27 October 2010 6:32 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: V Australia TPN [SEC=IN-CONFIDENCE:COMMERCIAL]
Attachments: 10.10.27 V Australia TPN.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi [REDACTED]

Please find attached a copy of the TPN relating to Virgin Australia. This has been faxed to the Ministry of Foreign Affairs, and a hard copy will be hand delivered tomorrow.

Additionally I will provide a copy of the TPN to the Director General of Civil Aviation.

Kind Regards,

Stewart Lawson
First Secretary (Transport)
Australian Embassy Jakarta

Phone: +62 21 2550 5489
Mobile: +62 812 10 41 435

Email: Stewart.Lawson@dfat.gov.au and Stewart.Lawson@infrastructure.gov.au

Australian Mobile: +61 434 602 741

----- Forwarded by Stewart Lawson/People/DFATL on 27/10/2010 02:23 PM -----

Lawson Stewart <Stewart.Lawson@infrastructure.gov.au>

To "Stewart Lawson" <Stewart.Lawson@dfat.gov.au>

cc

27/10/2010 10:23 AM

Subject Fw: V Australia TPN [SEC=UNCLASSIFIED]

Stewart Lawson
First Secretary (Transport)
Australian Embassy Jakarta
Phone: +62 21 2550 5489

Email: stewart.lawson@infrastructure.gov.au and stewart.lawson@dfat.gov.au

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: [REDACTED]
To: Lawson Stewart



11/2590 7

AUSTRALIAN EMBASSY JAKARTA

Note No: 1100 /2010

The Australian Embassy presents its compliments to the Ministry of Foreign Affairs of the Republic of Indonesia and has the honour to refer to the Memorandum of Understanding (MOU) between aeronautical authorities of Australia and Indonesia signed in Canberra on 15 July 2010 and the proposed Air Services Agreement at Attachment B thereto (the Proposed Agreement) given interim effect by paragraph 4 of the MOU.

The Australian Embassy has the honour to advise that the Australian Government, in accordance with Article 2 of the Proposed Agreement, designates Virgin Blue International Airlines Pty Ltd trading as V Australia to operate scheduled air services between Australia and Indonesia.

The Australian Embassy would be grateful to receive early acknowledgment of this designation.

The Australian Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Indonesia the assurances of its highest consideration.



Jakarta,
27 October 2010



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Local Government**

File Reference: P2006/1046

Mr John Bradbury
Deputy Secretary
Ministry of Transport
PO Box 3175
Wellington
NEW ZEALAND

Dear Mr Bradbury

I refer to the Agreement between the Government of Australia and the Government of New Zealand relating to Air Services, done at Auckland on 8 August 2002 (the ASA).

Pursuant to Article 2 of the ASA, I hereby advise that Virgin Blue International Airlines Pty Ltd, trading as V Australia, is authorised as a SAM (Single Aviation Market) Airline to provide air services in accordance with the ASA.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Stephen Borthwick'.

Stephen Borthwick
General Manager
Aviation Industry Policy

19 December 2008

cc Australian High Commission, Wellington



Note No. 70/08

The Australian High Commission presents its compliments to the Ministry of Foreign Affairs and Trade of New Zealand and has the honour to refer to the *Agreement between the Government of Australia and the Government of New Zealand relating to air services*, done at Auckland on 8 August 2002, which entered into force on 25 August 2003.

The High Commission has the honour to advise that in accordance with Article 2, paragraph 1, of the above agreement, the Australian Government designates Virgin Blue International Airlines Pty Ltd, trading as V Australia, to conduct international air services.

The High Commission would be grateful to receive early acknowledgment of this designation.

The Australian High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Trade of New Zealand the assurances of its highest consideration.



Wellington
12 December 2008

de-classified

Printed by Aji Sakthivel - 09:43 AM Thursday, 11 December 2008

Av mkl-3.4
107
A. Tongue
L. O'Connell
RG9772H p. Better
S. Sargent
J. Colette
C. Appleton
S B O A N

Title: New Zealand - Australia Aviation Arrangements. Designation of Virgin Blue International Airlines Pty Ltd, trading as V Australia

MRN: RG9772H 10/12/2008 03:17:17 PM ZE10

To: Wellington

Cc:

From: Canberra (CHCH/DITRDLG)

From File:

References:

Response: Routine, Information Only

W. Kelly

Summary

Post's assistance is sought to send a Third Person Note (TPN) to the Government of New Zealand designating Virgin Blue International Airlines Pty Ltd (VBIA), trading as V Australia, as an Australian international airline.

1.

Before VBIA can commence marketing services to New Zealand it must be designated to operate international air services in accordance with the *Agreement between the Government of Australia and the Government of New Zealand relating to air services* done at Auckland on 8 August 2002, which entered into force on 25 August 2003.

2. Accordingly, we would be grateful if Post could send a third person note along the following lines:

"The Australian High Commission presents its compliments to the Ministry of Foreign Affairs and Trade of New Zealand and has the honour to refer to the *Agreement between the Government of Australia and the Government of New Zealand relating to air services*, done at Auckland on 8 August 2002, which entered into force on 25 August 2003.

The High Commission has the honour to advise that in accordance with Article 2, paragraph 1, of the above agreement, the Australian Government designates Virgin Blue International Airlines Pty Ltd, trading as V Australia, to conduct international air services.

The High Commission would be grateful to receive early acknowledgment of this designation.

de-classified

The Australian High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Trade of New Zealand the assurances of its highest consideration."

3. We would be grateful if a copy of the TPN, any acknowledging reply could also be sent to Edouard Pokalioukhine on fax: +61 2 6274 6749 or edouard.pokalioukhine@infrastructure.gov.au
4. Department of Infrastructure contact officer is Wayne Kelly, Aviation Industry Policy Branch: email (unclas) wayne.kelly@infrastructure.gov.au or telephone +61 2 6274 6737

text ends

Sent by:	Tracy Watson
Prepared by:	Edouard Pokalioukhine
Approved by:	Iain Lumsden
Topics:	POLITICAL-ECONOMIC/Civil Aviation

Canberra distribution

Cc:	DFAT	EXEC	Secretary, DepSec Spencer, DepSec Bird, DepSec Ritchie, Dep Sec Kupa
		GIB	AS-GIB, GIB
		ILD	FAS-ILD, AS-DLB, DLB, AS-ILB, ILB
		ISD	FAS-ISD, IPL, AS-SIB, SIB
		PAD	FAS-PAD, PAD-Coord, AS-PIB, PIB, AS-PNB, PNB, AS-PZB, PZB
		FTA TF	AS-JTF, JTF, FAS-ATTF, ATTF, FAS-CFTF, CFTF, AS-FTAU, FTAU
		OTN	FAS-OTN, AS-SSB, SSB, AS-TCB
		TDD	FAS-TDD, AS-APB, APB, AS-MDB, MDB, AS-TAB, TAB
		Regional	Dir (Bris), DepDir (Bris)

Cc:	OGOs	PARLHSE	Prime Minister, PM's Office, Foreign Minister, Parl Sec Int'l Dev Asst, Parl Sec Pacific Island Affairs, Foreign Min Advisers, Foreign Min's Office, Trade Minister, Parl Sec Trade, Trade Min Advisers, Trade Min's Office, Defence Minister
		AFP	Commissioner, Officers
		AGS	Secretary, Officers
		ASA	Head, Officers
		ASIO	Head, Officers
		AUSAJD	Director-General
		CASA	Head, Officers
		CUSTOMS	Head, Officers
		DIO	Director, Officers
		DITRDG	Secretary, Officers
		NSC	Head, Officers
		NTAC	Head, Officers
		ONA	Director-General, Officers
		PMC	Secretary, FAS-INT, INT, FAS-ONS, ONS
		PSCC	Director, Officers
		TREASURY	Secretary, Officers

P2005/0650

N2.

0112200
S
B

ACTION: DEP TSPT & REG SVCS
COPY NO. 1

INWARD CABLE

C.WL610143 LEDLIE DENNIS
TOR 13.29 14.10.04

C.WL610143 1324 14.10.04

TO:
PP CANBERRA

FM: WELLINGTON DFAT REF. C.CE502863 C.CE501732 C.WL610099

UNCLASSIFIED

DESIGNATION OF PACIFIC BLUE AIRLINES

START OF SUMMARY

We have received a Third Person Note (26/04) from New Zealand MFAT acknowledging the Australian Government's designation of Pacific Blue Airlines (Australia) Pty Ltd to operate international air services in accordance with Article 2 of the Australia-New Zealand Air Services Agreement. The Ministry of Transport has issued a "Scheduled International Air Service Licence" for Pacific Blue Airlines which was sent to the company on 11 October 2004.

END OF SUMMARY

We will send a copy of the Third Person Note by bag to NZS, DFAT for on-forwarding to DOTARS.

ODINMRN. WL610143L

MD. 07E3AAB42513B6FA55BF287D7546166172F2

OD. WLTN/Jacqueline McConnell

SUBJECT: EEA

ACTION: DEP FOREIGN AFFS & TDE
DEP TSPT & REG SVCS

INFO:	PRIME MINISTER	DEPUTY PRIME MIN
	MIN FOREIGN AFFAIRS	MINISTER FOR TRADE
	PARL SEC TRADE MIN	AUSTRADE
	DEP ATTORNEY GENERAL	DIO
	DEP P M AND CABINET	ONA
	CIV AVN SAFETY AUTH	+++

IN
DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
AUSTRALIAN DIPLOMATIC COMMUNICATIONS NETWORK

P2005/0650

3.7

0016



Note No. 26/04

The Australian High Commission presents its compliments to the Ministry of Foreign Affairs and Trade and has the honour to refer to the Agreement between Australia and New Zealand relating to Air Services, signed in Auckland on 8 August 2002 which entered into force on 25 August 2003.

The High Commission has the honour to advise that the Australian Government, in accordance with Article 2 of the agreement, designates Pacific Blue Airlines (Australia) Pty Ltd to operate International Air Services in accordance with the Agreement.

The High Commission would be grateful to receive early acknowledgment of this designation.

The Australian High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Trade the assurances of its highest consideration.



Wellington
29 September 2004

P2005/0650

non-urgent is.
PB.
JOK 13
8L
BC

ACTION: DEP TSPT & REG SVCS
COPY NO. 1

INWARD CABLE

C.CE502863 BOWRAN. R.
TOR 16.57 28.9.04

C.CE502863 1658 28.09.04

TO.
RR WELLINGTON

FM. CANBERRA' DFAT REF. C.CE501732 C.WL610099

U N C L A S S I F I E D

DESIGNATION OF PACIFIC BLUE AIRLINES

START OF SUMMARY

Cable requests

update on designation of Pacific Blue (Aust) to Cook Islands and requests post to designate Pacific Blue (Aust) to New Zealand.

END OF SUMMARY

Thanks reftel confirming delivery of a Third Person Note dated 3 September to the Cook Islands High Commission.

Therefore grateful if Post could follow up with the Cook Islands High Commission to receive their acknowledgement of the designation.

3. To date DOTARS has not received a copy of the Note to the Cook Islands. Grateful if Post could fax a copy of the Note, and any reply when received from the Cook Islands, to Mr Samuel Lucas of the Department of Transport and Regional Services on +61 2 6274 6749.

3. Pacific Blue (Aust) will also need to be designated as a designated airline under the Agreement between Australia and New Zealand relating to Air Services signed in Auckland on 8 August 2002. Accordingly, Post is requested to pass a Third Person Note along the following lines to the New Zealand Ministry of Foreign Affairs and Trade, copied to the New Zealand Ministry of Transport:

"The Australian High Commission presents its compliments to the Ministry of Foreign Affairs and Trade and has the honour to refer to the Agreement between Australia and New Zealand relating to Air Services, signed in Auckland on 8 August 2002 which entered into force on 25 August 2003.

The High Commission has the honour to advise that the Australian

.../2

IN
AUSTRALIAN DIPLOMATIC COMMUNICATIONS NETWORK

5-13
164

From: Eastern Region Mailbox [easternregion@casa.gov.au]
Sent: Wednesday, 20 June 2012 12:46 PM
To: [REDACTED]
Cc: International Ops
Subject: RE: Audit of International Airline Licences [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hello [REDACTED]

Virgin Australia International Airlines Pty Ltd ARN 768593 holds a current AOC. I've attached a link to the relevant information for VAIs AOC fyi.

http://casa-query.funnelback.com/search/search.cgi?collection=casa_aoc&query=Virgin+Australia+International+Airlines&session=251942811

For your future reference it is possible to search for AOC records on the CASA website.

Kind regards
Helen

Helen Savill
Tech Admin - CMT 1
Operations Division - Eastern Region
☎ 3144 7573 📠 3144 7533
✉ Helen.savill@casa.gov.au
"Safe Skies for All"

From: [REDACTED]
Sent: Wednesday, 20 June 2012 10:29 AM
To: Eastern Region Mailbox
Subject: FW: Audit of International Airline Licences [SEC=UNCLASSIFIED]

Hi,

Further to emails below, can you please confirm that Virgin Australia International Airlines holds a valid AOC.

Regards

[REDACTED]
Assistant Director, Air Services Negotiations
Department of Infrastructure and Transport
gilon.smith@infrastructure.gov.au Ph: (02) 6274 8634

From: International Ops [mailto:International_Ops@casa.gov.au]
Sent: Wednesday, 20 June 2012 9:22 AM
To: [REDACTED]
Subject: RE: Audit of International Airline Licences [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good Morning [REDACTED]

Sorry for the delay in responding. [REDACTED]

You will need to contact the Brisbane Regional office at brisbaneairlines@casa.gov.au in regards to Virgin Australia International Airlines.

Many thanks
Liz

Liz Lake
Civil Aviation Safety Authority
Operations Support Officer International
Safety Oversight
Tel: (07) 3144 7310 Fax: (07) 3144 7599
Safe Skies For All
Email: International_Ops@casa.gov.au
Liz.lake@casa.gov.au

From: [REDACTED]
Sent: Tuesday, 19 June 2012 8:22 AM
To: International Ops
Subject: RE: Audit of International Airline Licences [SEC=UNCLASSIFIED]

Hi International Ops team.

Grateful for your confirmation of the matters raised in my earlier email below.

Cheers
[REDACTED]

From: [REDACTED]
Sent: Wednesday, 6 June 2012 10:14 AM
To: International_Ops@casa.gov.au
Cc: [REDACTED]
Subject: Audit of International Airline Licences [SEC=UNCLASSIFIED]

Hi

The Department of Infrastructure and Transport has commenced a program of audits of the conditions of International Airline Licences (IALs) issued to airlines operating services to/from Australia. The current program includes an audit of the conditions of IALs issued to the following airlines: [REDACTED] **Virgin Australia International Airlines.**

One of the conditions of the IALs issued to these airlines is that they provide the Department with a Compliance Declaration Form at the commencement of each scheduling season declaring, among other matters, that the airline provides services that are operated under the authority of a valid Air Operator's Certificate issued under Division 2 of Part III of the *Civil Aviation Act 1988*.

Accordingly, in order for the Department to verify that these airlines are complying with this requirement, we would be grateful if CASA could confirm that these three airlines currently operate services to/from Australia under the authority of a valid Air Operator's Certificate issued by CASA.

We would appreciate your response by 15 June 2012.

Thanks in advance for your assistance on this matter.

Regards


Assistant Director, Air Services Negotiations
Department of Infrastructure and Transport
gillon.smith@infrastructure.gov.au Ph: (02) 6274 6634

Disclaimer

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If you have received this e-mail in error, please notify the Department on (02) 6274-7111 and delete all copies of this transmission together with any attachments.

VIRGIN AUSTRALIA HOLDINGS LIMITED (ASX:VAH)******Draft Media Release prepared for obtaining legal advice********Virgin Australia Confirms New Structure Finalised with Distribution of In Specie Dividend**

[30] March 2012

On 23 February 2012 Virgin Australia Holdings Ltd (VAH) announced a proposed new structure of its business designed to ensure ongoing compliance with the Air Navigation Act (ANA) which limits foreign ownership of Australian international airlines to 49%.

On 16 March 2012 Virgin Australia Holdings Ltd (VAH) confirmed all conditions of the proposal had been satisfied or waived and determined an in specie dividend to be distributed to VAH shareholders who acquired their shares prior to the Ex-Date, 21 March 2012, on a 1:1 ratio

VAH confirms that the new structure is now finalised, with the distribution of an in specie dividend today, as per the guidance in VAH's Information Statement dated 23 February 2012.

Shareholders who are not permitted to hold shares in an unlisted entity can for a period of 60 days from today (the Distribution Date) sell their beneficial interests in Virgin Australia International Holdings Pty Ltd (VAIH) shares to a person nominated and approved by VAH (subject to VAH and foreign persons not holding more than 49% of VAIH). Those shareholders are advised to contact Computershare on 1300 552 270 (within Australia) or +61 3 9415 4000 (outside Australia) to arrange the transfer.

ENDS

Media Contacts: Danielle Keighery, +61 400 223 136 and Emma Copeman, +61 421 702 193

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Virgin Australia Announces Proposed New Structure

23/02/2012

Virgin Australia Holdings (VAH) today announced a proposed new structure of its business designed to ensure ongoing compliance with the Air Navigation Act (ANA) which limits foreign ownership of Australian international airlines to 49%.

The proposed structure involves securing majority Australian ownership in VAH's international airlines by changing the shareholding and governance structure of the international airlines to ensure compliance with the ANA. The proposed new structure will facilitate overseas institutional investment in the domestic business, which will improve the liquidity of VAH and in turn enhance shareholder value.

There will be no change from an operational perspective for staff and consumers as both the domestic and international businesses will continue to operate as an integrated airline under one brand.

The proposed new structure involves creating a new unlisted entity Virgin Australia International Holdings Pty Ltd (VAIH) which will hold VAH's international airlines. VAIH will:

- be owned by existing VAH shareholders and have a majority independent board of directors;
- be comprehensively serviced and funded by VAH, and therefore will not involve any visible changes from a consumer perspective; and
- mean business as usual from a staff perspective in terms of the day to day running of the airline.

VAH became subject to the 49% foreign ownership cap of the ANA after launching its international operations in 2004. Foreign ownership has traditionally been well below the cap, however over the past 12 months it has been sitting only marginally below 49% and therefore Virgin Australia has been evaluating options to ensure ongoing compliance.

The VAH Board of Directors and management believe that the proposed new structure is the best option for Virgin Australia and its stakeholders to ensure long-term growth and access to capital for its business.

Foreign investors should note that the foreign ownership levels of VAH are sitting only marginally below the 49% cap. If foreign investors acquire shares in VAH before the Ex-Date for the in-specie dividend and as a result foreign ownership in VAH exceeds 49%, those shareholders may be required to dispose of their interest in VAIH shares under the cure mechanism in the VAIH Constitution.

Subject to the satisfaction or waiver of certain conditions, it is intended that dividend will be determined on 16th March 2012, with implementation by the end of March 2012.

Proposed new structure – Overview

The proposed new structure involves the creation of a new entity VAIH which will hold the international airlines of VAH and (subject to satisfaction or waiver of certain conditions) will be effected through the determination and payment of an In Specie Dividend to VAH shareholders who have acquired their VAH shares prior to the proposed Ex-Date, 21 March, on a 1:1 ratio. The In Specie Dividend effectively gives each shareholder a beneficial interest in the VAIH shares and these shares will be administered by a Trust.

VAIH will be governed by a separate independent Board of Directors, with majority independents, including an independent Chairman.

VAIH shares cannot be traded and only sold under limited circumstances. Shareholders who are not permitted to hold shares in an unlisted entity can for a period of 90 days from Distribution Date sell their interests in VAIH shares to a person nominated and approved by VAH (Subject to VAH and foreign persons not holding more than 49% of VAIH).

Under the proposed new structure VAIH will enter into a long term service agreement and long term loan agreement with VAH. VAH will provide VAIH with a range of services, including the provision of aircraft, fully trained crew, maintenance, and back office services. VAIH will be charged a management fee for these services and there will be no change for staff or the day to day running of the airline.

VAIH's loan and future working capital requirements will be comprehensively funded by VAH.

The VAH Board of Directors proposes to assign a nominal value to VAIH shares (\$0.000001 per share) on the implementation date. Under the proposed new structure VAIH will have an approximately nil equity position on implementation date, as VAH have decided to recapitalise the balance sheet of VAIH prior to implementation to ensure it has sufficient assets to cover liabilities on day 1.

The proposed new structure is to be effected by the In Specie Dividend. That dividend will only be determined and distributed by VAH if the following conditions are satisfied or waived by VAH:

- no legal action exists which would prohibit the implementation of the proposed new structure, including no event or occurrence which would have a material adverse effect on the ability of the international entities to continue to operate their operations; and
- where required the consent of key stakeholders are secured.

If these conditions are not satisfied and VAH decides not to proceed with the dividend, VAH will notify the market immediately.

The proposed timing for implementation is as follows:

23rd February 2012 - Announcement of intention to determine In Specie Dividend, subject to conditions

23rd February 2012 - Information Statement lodged with ASX

16th March 2012 - Determination and announcement of In-Specie Dividend (subject to satisfaction or waiver of conditions)- market will be notified in advance should this date change

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21st March 2012 Ex-Date - third business day after determination and announcement of In Specie Dividend (shareholders who acquire shares in VAH after this date will not be eligible for shares in VAIH)

27th March 2012 Record Date - seventh business day after determination and announcement of In Specie Dividend

28th March 2012 (target) - Distribution and Implementation Date - market will be notified in advance should this date change

***Proposed VAIH Board of Directors:**

Graham Bradley (Chairman and Non-Executive Director) – Currently Chairman of HSBC Bank Australia, Stockland Corporation, Anglo American Australia and Po Valley Energy.

Anthony Shepherd (Non-Executive Director) – Currently President of the Business Council of Australia, Chairman of Transfield Services and a Director of Victorian Rail Track (VicTrack).

Lindsay Tanner (Non-Executive Director) - former Federal Minister for Finance and Deregulation who has extensive experience in aviation industry issues. Since leaving politics in 2010, he has worked as a special advisor at Lazard Australia and as adjunct professor at Victoria University.

Neil Chatfield (Non - Executive Director) - Virgin Australia Chairman.

John Borghetti (Non - Executive Director) - Virgin Australia CEO and Managing Director.



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[REDACTED]

From: National Coordinator
Sent: Wednesday, 6 June 2012 2:55 PM
To: [REDACTED]
Cc: National Coordinator
Subject: RE: Audit of International Airline Licences [SEC=UNCLASSIFIED]

Good Afternoon [REDACTED]

I can confirm that [REDACTED] and **Virgin Australia International Airlines** currently operate services to/from Australia under the authority of an approved Transport Security Program (TSP).

Regards

National Coordinator
Office of Transport Security
Department of Infrastructure and Transport

From: [REDACTED]
Sent: Wednesday, 6 June 2012 9:44 AM
To: National Coordinator
Cc: [REDACTED]
Subject: Audit of International Airline Licences [SEC=UNCLASSIFIED]

Hi,

Aviation Industry Policy Branch has commenced a program of audits of the conditions of International Airline Licences (IALs) issued to airlines operating services to/from Australia. The current program includes an audit of the conditions of IALs issued to the following airlines: [REDACTED] and **Virgin Australia International Airlines**.

One of the conditions of the IALs issued to these airlines is that they provide the Department with a Compliance Declaration Form at the commencement of each scheduling season declaring, among other matters, that the airline provides services that are operated under the authority of a valid Transport Security Program approved under part 2 of the *Aviation Transport Security Act 2004*.

Accordingly, to enable us to verify that these airlines are complying with this requirement, we would be grateful if the OTS could confirm that these airlines currently operate services to/from Australia under the authority of a valid Transport Security Program approved by the OTS.

We would appreciate your response by 15 June 2012.

Thanks in advance for your assistance on this matter.

Regards

[REDACTED]
Assistant Director, Air Services Negotiations
Aviation and Airports
X6634

5.1 Timetable approvals - initial approvals

Before scheduled international services may commence, and in conjunction with the issue of an International Airline Licence (IAL), airlines are required to separately submit details of proposed timetables to the Department in accordance with regulations 16 and 20 of the *Air Navigation Regulations 1947*.

Subsequent timetable applications must be submitted 35 days before the start of each scheduling period. There are two scheduling periods - Northern Summer and Northern Winter. The Northern Summer period commences on the last Sunday in March while the Northern Winter period commences on the last Sunday in October.

Timetable approvals are issued under regulation 21 of the *Air Navigation Regulations 1947*.

Processing timetable applications

Was the timetable submitted 35 days prior to commencement of services/scheduling period (ANR)?

Does the timetable contain the following information:

- the period for which schedule is valid (normally Northern Winter or Northern Summer)
- the route(s) to be operated
- the aircraft type to be operated and that aircraft type's capacity*
- any code share arrangements whether as the operating or marketing carrier? which airline are they code sharing on?
- dates and times of flights - are any flights to be operated within Sydney Airport's curfew period? If yes, the airline needs to apply to the Aircraft Noise Management section of the Aviation Environment Branch for dispensation under subsection 12(4) of the *Sydney Airport Curfew Act 1995*. Likely airlines to require such dispensation are those that operate out of or via Singapore - British Airways, Emirates, Qantas and Singapore Airlines.

Where capacity entitlement uses "frequencies, flights or services" under the relevant air services arrangements, airlines are permitted to submit an application listing all aircraft types to be used over the duration of the period. As a result airlines in this situation will not need to submit applications for timetable variations to cover aircraft changes unless it is for aircraft not listed at the start of the period.

Capacity allocation - Australian operators:

Has the airline been allocated capacity (including the ability to code share if required) by the International Air Services Commission (IASC) on the proposed route?

Are the proposed operations in accordance with the IASC's Determinations, Decisions and resolutions allocating capacity (and the ability to code share) on this route?

Note determination/decision numbers on timetable assessment together with date

This can be checked at http://www.iasc.gov.au/determinations_decisions/index.aspx

Capacity entitlement - foreign operators:

Does the airline, under the relevant air services arrangement, have the relevant

- Route entitlements
- Traffic rights
- Code share provisions

- Bilateral capacity*

to operate the proposed service(s)?

Check the relevant country Black Books

**Note that timetable applications from airlines of the same country will have to be processed together (i.e. China, Indonesia, Japan, Korea, Malaysia and Papua New Guinea). In this case, on each of the relevant airline's timetable assessment, note the total capacity to be operated by that country's airlines.*

Code sharing

If airlines are code sharing, you will need to compare the airline's timetable application with that of their code sharing partner to make sure that it matches. This is particularly important with regard to air services arrangements that have capacity restrictions on code share arrangements.

IAL

Does the airline have an international airline licence (IAL)?

Has the airline submitted a completed Compliance Declaration Form (CDF)?

Does the IAL cover the proposed operations?

Air Operator's Certificate

If operating in own right with own aircraft does the airline have a current Air Operator's Certificate which covers scheduled operations with both the aircraft type and ports to be operated?

If operating in own right using leased aircraft, does the lessor have a current Air Operator's Certificate which covers scheduled operations with both the aircraft type and ports to be operated?

Contact CASA at international_ops@casa.gov.au if there isn't a valid AOC on the airline's timetable file

Transport Security Program

If operating in own right with own or leased aircraft, does the airline have a current valid Transport Security Program in place?

Can check relevant airline's IAL file or contact the Office of Transport Security (OTS) at national.coordinator@infrastructure.gov.au

Slot Approval

You can check if airlines have slot approval at the relevant airports on the Airport Coordination Australia website: http://www.coordaus.com.au/

- Select "Slot Listings" on the left hand side
- A dialogue box will pop up requesting a user name (**Airports**) and password (**aca789**)
- You will then be presented with the slot approvals for each scheduling period
- Select the relevant period to see all nine international airports
- Use the DST option to view the local time listings for each airline
- The information is presented in the following format:

Example - Air Niugini's slots for Sydney airport for the Northern Summer 2010 period:

PX 001 PX 002 09APR01OCT 0000500 180752 POMPOM1755 08451POMPOM JJ
PX 001 PX 002 02APR02APR 0000500 180752 POMPOM1855 09451POMPOM JJ
PX 001 PX 002 08OCT29OCT 0000500 180752 POMPOM1855 09451POMPOM JJ
PX 005 PX 002 04JUL26SEP 0000007 180752 POMBNE1930 09451POMPOM JJ
PX 005 PX 002 03OCT24OCT 0000007 180752 POMBNE2030 10451POMPOM JJ
PX 005 PX 002 04APR27JUN 0000007 215763 POMBNE2025 09351POMPOM JJ
PX 005 PX 002 28MAR28MAR 0000007 215763 POMBNE2125 10351POMPOM JJ

The key columns:

1st & 3rd columns = airline code

2nd & 4th columns = flight number

5th column = date range for the slot

6th column = day of operation (Monday = 1)

7th column = aircraft capacity & type

8th column = inbound route (3 letter code for each port) and arrival time

9th column = departure time & outbound route (3 letter code for each port)

Note that if the port code is repeated it is a direct flight

(eg POM-SYD-POM v POM-BNE-SYD-POM)

Noisy aircraft?

Although most aircraft types will be Chapter-3 noise compliant, in the case of freight operators you may need to check that they aren't utilising marginally compliant chapter-3 aircraft - you can contact the Aircraft Noise Management Section to check.

Timetable assessment:

Current timetable assessments are located at:

G:\Aviation & Airports\Aviation Industry Policy\International\Timetables\Current TT approvals

There is no need to create a new document for each assessment as each one is filed on the relevant airlines' timetable. Simply update (overwrite) the assessment in the above folder.

Prepare a timetable assessment based on the following examples (one for Australian airlines and one for foreign airlines):

Timetable Application Assessment / Approval:

Applicant: **Qantas**
 Date submitted: **11 March 2010**
 Submission 35 days prior to commencement: **No but did not affect timely analysis**
 Period: **Northern Summer 2010**
 Route: **Australia - PNG**
 Schedule: **Code share services only**

Code share on Air Niugini

			TOTAL	
			OUT	IN
A)	5	B767-366ER	403	413 POM-BNE vv
B)	2	B757-256	149	122 POM-BNE vv
C)	1	F28-100	37	43 POM-BNE vv
D)	1	B767-366ER	65	78 POM-BNE-SYD-POM
E)	9	F28-100	169	186 POM-CNS vv
F)	3	DHC-8	34	32 POM-CNS vv
G)	1	B757-256	60	55 POM-SYD vv
TOTAL	22		929	917

A) QANTAS CODE SHARES UP TO 403 SEATS/WEEK BNE-POM & 413 SEATS/WEEK POM-BNE

B) QANTAS CODE SHARES UP TO 149 SEATS/WEEK BNE-POM & 122 SEATS/WEEK POM-BNE

C) QANTAS CODE SHARES UP TO 37 SEATS/WEEK BNE-POM & 43 SEATS/WEEK POM-BNE

D) QANTAS CODE SHARES UP TO 65 SEATS/WEEK SYD-POM & 78 SEATS/WEEK POM-BNE

E) QANTAS CODE SHARES UP TO 169 SEATS/WEEK CNS-POM & 186 SEATS/WEEK POM-CNS

F) QANTAS CODE SHARES UP TO 34 SEATS/WEEK CNS-POM & 32 SEATS/WEEK POM-CNS

G) QANTAS CODE SHARES UP TO 60 SEATS/WEEK SYD-POM & 55 SEATS/WEEK POM-SYD

IASC Determination (Australian) met: Yes (allocated: 1000 EWEW, code share with Air Niugini)

IASC [2007] 213 16/11/07

Current International Airline Licence: Yes (45/2009)

Compliance Declaration Form submitted? Yes

Assessed by: Bronwyn Calver, 23 March 2010

Approved under:

ANR 21 Timetable Approval

i) Having regard to public interest

..... / /

j) delegate of the Secretary

Timetable Application Assessment / Approval:

Applicant:	Air Niugini
Date submitted:	29 January & 9 March 2010
Submission 35 days prior to commencement:	Yes
Period:	Northern Summer 2010
Route:	PNG - Australia
Schedule:	

			TOTAL
A)	5	B767-366ER	1075 POM-BNE vv
B)	2	B757-256	360 POM-BNE vv
C)	1	F28-100	101 POM-BNE vv
D)	1	B767-366ER	215 POM-BNE-SYD-POM
E)	9	F28-100	909 POM-CNS vv
F)	3	DHC-8	150 POM-CNS vv
G)	1	B757-256	180 POM-SYD vv
TOTAL	22		2990

LESS QF CODE SHARE

917 to PNG / 929 to AUS

TOTAL

2073 to PNG / 2061 to AUS

- A) QANTAS CODE SHARES UP TO 403 SEATS/WEEK BNE-POM & 413 SEATS/WEEK POM-BNE
- B) QANTAS CODE SHARES UP TO 149 SEATS/WEEK BNE-POM & 122 SEATS/WEEK POM-BNE
- C) QANTAS CODE SHARES UP TO 37 SEATS/WEEK BNE-POM & 43 SEATS/WEEK POM-BNE
- D) QANTAS CODE SHARES UP TO 65 SEATS/WEEK SYD-POM & 78 SEATS/WEEK POM-BNE
- E) QANTAS CODE SHARES UP TO 169 SEATS/WEEK CNS-POM & 186 SEATS/WEEK POM-CNS
- F) QANTAS CODE SHARES UP TO 34 SEATS/WEEK CNS-POM & 32 SEATS/WEEK POM-CNS
- G) QANTAS CODE SHARES UP TO 60 SEATS/WEEK SYD-POM & 55 SEATS/WEEK POM-SYD

ASA Entitlement (Foreign) met:

Yes

Entitlement: 3200 seats EWEW.

1.

Airlines PNG is yet to submit its application. Last season it operated a maximum of 508 seats. The maximum total to be operated by foreign carriers is 2581 to PNG & 2569 to AUS, well within entitlements.

Current International Airline Licence:

Yes (18/2009)

Compliance Declaration Form submitted?

Yes

Current AOC including all ports & aircraft types:

Yes (F502983-24, expiry 31/10/10)

Current TSP:

Yes (S19 2007 032, expiry 9/3/12)

Airport Slots:

Yes

Any flights to/from Sydney within curfew:

No

Assessed by:

Bronwyn Calver, 9 March 2010

Approved under:

ANR 21 Timetable Approval

ii) Having regard to public interest

..... _/_/_

k) delegate of the Secretary

Please note that when preparing the timetable assessment for an airline that is only operating code share services as the marketing carrier, you do not include information relating to the following:

- Air Operator's Certificate
- Transport Security program
- Airport Slots
- Flights within the curfew at Sydney airport

In addition, some code share arrangements are on a "freesale" basis and do not require the detail of summary provide in the examples above.

In rare situations, you may also need to include specific conditions for the timetable to be approved - these situations can be discussed with the Director, Air Services Negotiations prior to completing the assessment (also see below for further information).

Once you have completed the assessment, attach it to the front of the timetable application and submit to the Director, Air Services Negotiations for approval.

Once approved, reply to the airline via email using the following standard words, making changes where needed to the square brackets:

Please accept this email as confirmation that [airline]'s timetable application (as outlined in the attachment to your [email/facsimile] of [date]) for the Northern [Summer/Winter year] period has been approved under ANR 21.

[Delete/amend if necessary] This approval is conditional on the following: [add conditions]

All services conducted by or on behalf of the abovenamed airline, whether using its own aircraft and crew or using aircraft and crew leased from another aircraft operator or airline, shall at all times be operated in accordance with the provisions of the Air Navigation Act 1920, the Civil Aviation Act 1988, the Aviation Transport Security Act 2004 and the regulations made under these three Acts. Without limiting the foregoing, all services conducted by or on behalf of the licensee shall at all times be operated in accordance with the following:

- *a valid Transport Security Program approved by the Secretary to the Department of Infrastructure and Regional Development or delegate thereof;*
- *a valid Foreign Aircraft Operator's Certificate, Air Operator's Certificate or other appropriate approval issue by the Civil Aviation Safety Authority or delegate thereof; and*
- *a valid Timetable Approval issued by the Secretary to the Department of Infrastructure and Regional Development or delegate thereof;*

including any specified conditions applied or applicable to such approvals.

Please be reminded of the following:

- *statistical returns (relating to passengers, freight and mail carried by all international scheduled airlines operating into and out of Australia) must be supplied under Air Navigation Regulation 12; contact gmano@infrastructure.gov.au for more details*
- *timetable applications are due 35 days prior to the commencement of each scheduling period (the Northern Winter period commences on the last Sunday in October while the Northern Summer period commences on the last Sunday in March).*
- *under the Air Navigation Regulations 1947, all airlines are required to provide the Department of Infrastructure and Regional Development with a completed 'Compliance Declaration Form' (CDF) in conjunction with their timetable application at least 35 days before the commencement of each scheduling period. The CDF can be downloaded from: <http://www.infrastructure.gov.au/aviation/international/licences.aspx>*
- *Jet aircraft operating to Australian airports must be certified as Chapter 3 or Chapter 4 of the International Civil Aviation Organization Annex 16 noise standards.*

Finally, print out this email and file with the signed assessment and timetable on the relevant airline's timetable file.

If this timetable approval is not being given as part of the seasonal changeover (ie is for a new service commencing mid season, AND it relates to an Australian airline, notice should be provided to the IASC of the timetable approval (iasc@infrastructure.gov.au))

Conditions on timetable approvals

Conditions relating to the type of traffic and amount of traffic carried on the services concerned. Conditions relating to the manner in which the services are advertised can be imposed if appropriate, such as whether advertising is permitted, the content of the advertising, regarding the services concerned or an service operated by the airline to, from or through any point on the route of the service concerned (also see 5.3 for instances that may require the consideration of extra timetable conditions).

Timetable Summary

The timetable summary is an internal working document of the Department, produced twice a year (April & November) to provide a snapshot of timetable services approved at the start of each scheduling period. The summary is made available on the Department's website at <http://www.infrastructure.gov.au/aviation/international/timetable.aspx>

If this timetable has been approved as part of the bulk assessment for an upcoming period, then the details will need to be included in the timetable summary for that period.

Past copies of the timetable summary can be found at:

G:\Aviation & Airports\Aviation Industry Policy\International\Keydocs\DATABOOK\TAB-01

Following the naming convention and create a new version. Examine previous versions to see how the information should look.

Once the summary has been compiled, it will need to be checked for accuracy - currently Edouard Pokalioukhine has been assisting in this regard.

Once it has been checked and cleared by the Director, Air Services Negotiations, it needs to be sent to webservice in both excel and PDF format for placement on the Department's website. A cover letter will also need to be sent with the documents (copies of previous versions can be found in the same folder as the timetable summary).

Example of email to webservice:

Hi

Could you please make the following changes to this page:

<http://www.infrastructure.gov.au/aviation/international/timetable.aspx>

Please replace the text at the top of the page (from 2009/10 Northern Winter Timetable Summary to the end of the disclaimer) with the text in the attached document – TT Summary Cover Letter.doc.

Add the following text underneath the line:

"Northern Summer 2010 (28 March 2010/30 October 2010)"

Then add links to the attached pdf & xls files for download, as per the content already there.

Thanks

Notice of the timetable summary should be provided to the IASC (iasc@infrastructure.gov.au)

5.2 Timetable approvals - variations

Timetable variations are issued under regulation 22 of the *Air Navigation Regulations 1947*

From time to time, airlines seek approval to make changes to their approved timetables. Changes that relate to a change of aircraft*, change or addition of route or increase in frequency require approval.

Where capacity entitlement uses “frequencies, flights or services” under the relevant air services arrangements, airlines are permitted to submit timetable application listing all aircraft types to be used over the duration of the period. As a result airlines in this situation will not need to submit applications for timetable variations to cover aircraft changes unless it is for aircraft not listed at the start of the period.

Processing timetable variation applications

As with the original timetable approval, the variation will need to be assessed to ensure that:

If seeking additional services

- does the airline have the necessary allocation (for Australian airlines) or capacity entitlement (for foreign airlines)?
- does the airline have slot approval?

If seeking a change or addition of route

- is this permitted under the relevant air services arrangements?
- does the airlines’ AOC or FAAOC cover this route?
- does the airlines’ IAL cover this route?

If seeking a change of aircraft

- is this aircraft on the airlines’ AOC or FAAOC
- is this aircraft chapter-3 compliant

If the airline is the marketing airline (i.e. code sharing partner)

- has a corresponding application been received from the operating airline?

Timetable variation assessment:

In this instance, assessments are done by email instead of the more formal approach used for the original timetable approval.

Forward the request to the Director, Air Services Negotiations (or to another delegate holding the delegation – e.g. any other EL2 in Aviation Industry Policy Branch), with a covering email summarising the request and whether or not it is permitted as per the above assessment. If allowed, recommend that it be approved under ANR 22.

Once approved, reply to the airline via email using the following standard words, making changes where needed to the square brackets:

Please accept this email as confirmation that the timetable variation (as outlined in the attachment to your email of [date]) to [airline]'s approved Northern [Summer/Winter year] timetable has been approved under ANR 22.

[Delete if necessary] This approval is conditional on the following:

All services conducted by or on behalf of the abovenamed airline, whether using its own aircraft and crew or using aircraft and crew leased from another aircraft operator or airline, shall at all times be operated in accordance with the provisions of the Air Navigation Act 1920, the Civil Aviation Act 1988, the Aviation Transport Security Act 2004 and the regulations made under these three Acts. Without limiting the foregoing, all services conducted by or on behalf of the licensee shall at all times be operated in accordance with the following:

- *a valid Transport Security Program approved by the Secretary to the Department of Infrastructure and Regional Development or delegate thereof;*
- *a valid Foreign Aircraft Operator's Certificate, Air Operator's Certificate or other appropriate approval issue by the Civil Aviation Safety Authority or delegate thereof; and*
- *a valid Timetable Approval issued by the Secretary to the Department of Infrastructure and Regional Development or delegate thereof;*

including any specified conditions applied or applicable to such approvals.

Please be reminded of the following:

- *statistical returns (relating to passengers, freight and mail carried by all international scheduled airlines operating into and out of Australia) must be supplied under Air Navigation Regulation 12; contact gmano@infrastructure.gov.au for more details*
- *timetable applications are due 35 days prior to the commencement of each scheduling period (the Northern Winter period commences on the last Sunday in October while the Northern Summer period commences on the last Sunday in March)*
- *under the Air Navigation Regulations 1947, all airlines are required to provide the Department of Infrastructure and Regional Development a completed 'Compliance Declaration Form' (CDF) in conjunction with their timetable application at least 35 days before the commencement of each scheduling period. The CDF can be downloaded from: <http://www.infrastructure.gov.au/aviation/international/licences.aspx>*
- *Jet aircraft operating to Australian airports must be certified as Chapter 3 or Chapter 4 of the International Civil Aviation Organization Annex 16 noise standards.*

Notice of the timetable variation approval should be provided to the IASC (iasc@infrastructure.gov.au)

Finally, print out this email together with the approval email from the Director and file on the relevant airline's timetable file.

5.3 Timetable – suspensions, cancellations or variations

Timetable suspensions, cancellations and variations are issued under regulation 22 of the *Air Navigation Regulations 1947*

On rare occasion, the Secretary or a delegate of the Secretary may be required to suspend, cancel or vary an airlines' timetable approval.

An airlines' timetable may be suspended, cancelled or varied on the following grounds:

the airline operates a service otherwise than in accordance with the approved timetable, or otherwise than in accordance with a condition subject to which the timetable is approved; or

the airline fails to operate a service in accordance with the approved timetable or in accordance with a condition subject to which the timetable is approved; or

in the opinion of the Secretary, the airline, or the government or an authority of a foreign country in relation to the airline:

- (i) has impeded or limited an Australian airline in, or prevented an Australian airline from, providing a scheduled international air service; or*
- (ii) has engaged in unfair, discriminatory or restrictive practices in relation to a scheduled international air service provided by an Australian airline; or*
- (iii) has denied an Australian airline fair and equal opportunity in the provision of a scheduled international air service; or*

in the opinion of the Secretary, the airline, or the government or an authority of a foreign country in relation to the airline, has contravened the relevant agreement; or

there has been a substantial change in any of the matters to which the Secretary has had regard when issuing the original approval; or

it is in the public interest to suspend or cancel the timetable

If the Secretary or a delegate of the Secretary suspends or cancels an approved timetable, he or she must, as soon as practicable, notify the airline concerned in writing of the reasons for his or her decision; in the case of a suspension - the duration of the suspension; or in the case of a removal or cancellation - the date of its effect; in the case of a variation, the details of the variation and the date of its effect

Before moving to recommend cancelling or suspending an IAL, officers should conduct a check at www.asic.gov.au to determine whether the IAL holder is under administration. This may have an impact on the process.

Notice of the timetable suspension or cancellation should be provided to the IASC (iasc@infrastructure.gov.au)

A letter providing the airline with notice (35 days is recommended) of the intention to cancel, vary or suspend the timetable approval should be sent to the airline before the timetable suspension, cancellation or variation occurs. The reasons and/or basis for the timetable action must be included in the letter of intention.

After the 35 days has elapsed, and no valid reasons are received from the airline, the timetable action can then occur. A minute needs be drafted to the delegate outlining the basis for timetable action (cancellation, suspension or variation), and also noting the basis providing the power to undertake the timetable cancelation, suspension or variation (reg 22 ANR etc). Also include reference to the correct delegation instrument that provides power to the delegate to undertake the action.

Along with the minute, provide a draft letter to airline advising of the action that has occurred, along with the relevant instrument. Once the letter and instrument are signed by the delegate, send the original letter and a copy of the instrument to the airline.

An example of a recent timetable suspension can be found at:

*G:\Aviation & Airports\Aviation Industry Policy\International\Timetables\HeavyLift
Timetable Suspension*

4.2. IAL Maintenance

Introduction

Airlines are required to comply with a simple self-assessment audit scheme administered by the Department of Infrastructure and Regional Development in order to maintain their International Airline Licence (IAL) and continue conducting scheduled international air services to and from Australia.

In order to comply, IAL holders must download, complete and lodge a Compliance Declaration Form (CDF) with the Department every six months, declaring their continued compliance with licence conditions:

To simplify the system for airlines, this declaration has been aligned with the existing requirements to lodge timetable approvals. That is, the due dates for CDFs are:

- for the Northern Summer period – 35 days before the last Sunday in March;
- for the Northern Winter period – 35 days before the last Sunday in October.

The Northern Summer Compliance Declaration Form can be downloaded from:

http://www.infrastructure.gov.au/aviation/international/files/20090505ComplianceDeclarationForm_N_Summer.doc.

The Northern Winter Compliance Declaration Form can be downloaded from:

http://www.infrastructure.gov.au/aviation/international/files/20090505ComplianceDeclarationForm_N_Winter.doc.

Requesting Compliance Declaration Forms

The Department requires that airlines submit CDF's five weeks before the start of the Northern Summer and Northern Winter timetabling periods. In the event that an airline does not submit a CDF by the required date, a reminder email is to be sent out with the CDF for the appropriate season attached. The wording of the email should be along the lines of:

Dear ,

I am writing with regard to the status of Airline Name's International Airline Licence (IAL).

In order to maintain an IAL and continue conducting scheduled services to and from Australia, licence holders are required to comply with a simple self-assessment audit scheme. To comply, a Compliance Declaration Form (CDF) must be completed and lodged with the Department of Infrastructure and Regional Development every 6 months.

I note that Airline Name's CDF for the Northern Summer/Winter 2010 scheduling season is currently overdue. CDFs were due on date and I would therefore be grateful if you could complete and return the attached form as soon as possible.

Kind regards,

Processing Compliance Declaration Forms

- a) Upon receiving a completed CDF from an airline it is necessary to ensure that it has been filled in correctly. There are a number of key things to check for:

- On the first line of the CDF the '*name of person declaring*' and the '*legal name of airline*' should both be filled in.
 - In the text of the sixth check-box the '*designating country/authority*' should be filled in. It is necessary to ensure that the designating country/authority on the CDF is the same as that on the airline's IAL.
 - In the last paragraph before the signature, ensure that the CDF is for the correct scheduling season and year.
 - Ensure that the CDF has been signed and dated.
 - Boxes 1 and 2 must be ticked for own-operated services. If these boxes are un-ticked then make sure the airline holds only a code-share or wet-lease IAL.
 - Boxes 3, 4, 5, 6, 7 and 9 must be ticked by all airlines.
 - Box 7 must be ticked if the CDF is from Qantas.
 - Box 8 must be ticked if the CDF is from an Airline designated by the Government of Australia.
- b) If the CDF is filled in correctly it should be saved to your desktop as a pdf document. In most cases CDFs are received by email, but if a hard copy is received it must be scanned to your mailbox and then saved as a pdf document.
- c) Open the IAL database located here: <G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\IAL System.accdb>. The database will open to the *IAL Documents* form – the normal working form. Select the airline from the drop-down menu and then scroll to the bottom of the form to find an entry with today's date and empty fields. In this entry, select CDF from '*document type*' and pdf from '*extension*'. Select the appropriate season for the CDF and then highlight and copy the document name from the grey field.
- d) Go back to your desktop and rename the CDF document using the name copied in part c). Once the document is renamed it can be moved into the folder: <G:\Aviation & Airports\Aviation Industry Policy\International\IAL Database\Documents>.
Go back to the IAL Database and click on the hyperlink in the CDF entry you have just created. If these steps have been followed correctly the hyperlink will open the CDF.
- e) If the airline has updated its contact details at the bottom of the CDF these new details must also be entered into the IAL Database. In the *IAL Documents* form, click on '*Go to Reports and Edits – Maintain Tables –Open Airline Contact Table*'. Select the relevant airline and add its new contact details.
- f) Print a hard copy of the CDF and give this to the person managing regulatory approvals in the Air Services Negotiations section for filing.

4.4 Verification (Audit) Of Compliance Information

All IAL holders are required to fill out and return a declaration every six months stating that they comply with the necessary safety, security, insurance and ownership requirements to allow them to commence services for the coming scheduling season. This provides a simple self assessment process for airlines to review their compliance at regular intervals. Failure to provide a declaration could result in cancellation of the IAL.

A compliance declaration is to be lodged in parallel with the existing requirement to lodge timetable approvals. Airlines submit timetables every six months, for the Secretary's approval, setting out proposed services for the coming Northern Summer or Northern Winter scheduling season. This is a standard, internationally recognised requirement that is familiar to international airlines.

In addition to the self-assessment audit process, the Secretary can also write to IAL holders from time to time (under subregulation 18G(3) and/or subregulation 18B(1)(c)) requiring the licence holder to provide evidence that they are complying with licence conditions.

The audit of IAL conditions is undertaken on a regular basis, with around 4 airlines selected randomly for audits. This is often on the basis of 1 airline per region, and a combination of own operated and code share only IALs. The first rounds of audits commenced during the Northern Winter 2011-12 scheduling period.

An example of a minute proposing an audit of an IAL is at:

..\..\International\Regulation\Int Airline Licences\Aerolineas Argentinas\Minute - AR - proposed CDF verification.docx

An example of a letter an airline requesting evidence of compliance with IAL conditions is at:

..\..\International\Regulation\Int Airline Licences\Aerolineas Argentinas\Letter to AR - CDF verification.docx

Once the airline has provided the documentary evidence, it will need to be assessed to determine that relevant conditions of the IAL are being met. An example of minute assessing the evidence is at:

..\..\International\Regulation\Int Airline Licences\Aerolineas Argentinas\Minute - Assessment of Documentary Evidence - AR, AF, PX TG.docx

IAL holders should be advised of the outcome of the assessment – an example of an 'outcome of assessment' letter is at:

..\..\International\Regulation\Int Airline Licences\Aerolineas Argentinas\Letter to AR.docx



Australian Government
Department of Infrastructure, Transport,
Regional Development and Local Government

INTERNATIONAL AIRLINE LICENCE COMPLIANCE DECLARATION FORM

Made under the provisions of the Air Navigation Regulations 1947

I, Jane McKeon, on behalf of Virgin Australia International Airlines Pty Ltd ('the airline'), being duly authorised, declare under regulation 18G of the Air Navigation Regulations 1947 that the airline:

[Please tick where applicable]

- ☒ Provides services that are operated under the authority of a valid Air Operator's Certificate issued under Division 2 of Part III of the *Civil Aviation Act 1988*;^{*}
- ☒ Provides services that are operated under the authority of a valid Transport Security Program approved under Part 2 of the *Aviation Transport Security Act 2004*;^{*}
- ☒ Maintains insurance coverage in relation to passenger liability, third party liability, cargo and baggage liability and any injury and loss resulting from active hostilities or civil unrest;
- ☒ Continues to meet nationality or other designation or authorisation requirements as stipulated in the relevant international air services agreement and associated arrangements;
- ☒ Maintains a published Australian contact telephone number;
- ☒ Remains designated by the Government of Australia under the relevant international air services agreement and associated arrangements;
- ☒ Complies with the relevant provisions of the *Air Navigation Act 1920*, the *Air Navigation Regulations 1947*, and the *Air Navigation (Aircraft Noise) Regulations 1984*, as well as the relevant provisions of the *Civil Aviation Act 1988*, the *Civil Aviation (Carriers' Liability) Act 1959*, the *Aviation Transport Security Act 2004* and the regulations made under those Acts;
- ☐ (for Qantas only) complies with relevant provisions of the *Qantas Sale Act 1992*;
- ☒ (for Australian airlines only) Holds the necessary capacity allocations as determined by the International Air Services Commission under the *International Air Services Commission Act 1992*; and
- ☒ Complies with any other conditions, if any, imposed by the Secretary under subregulation 18B(2).

^{*} Airlines currently providing scheduled code share services only, or providing services using wet-leased aircraft only, are not required to hold a valid Air Operator's Certificate and relevant Transport Security Program. However, they must ensure that services provided by another air operator are operated in accordance with valid approvals.

I declare that the airline will continue to comply with all conditions indicated on the airline's International Airline Licence for the upcoming Northern Winter scheduling period for 2013.

Jane McKeon

Jane McKeon
Group Executive, Government Relations
Virgin Australia group of airlines

If the airline's details have changed in the last six months, please provide updated information below:



Australian Government

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Jane McKeon

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Virgin Australia group of airlines

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Jane McKeon

Jane McKeon

Group Executive, Government Relations

Virgin Australia group of airlines

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Australian Government

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INTERNATIONAL AIRLINE LICENCE COMPLIANCE DECLARATION FORM

Made under the provisions of the Air Navigation Regulations 1947

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Virgin Australia group of airlines

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17/2/12



Australian Government

Department of Infrastructure, Transport,
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INTERNATIONAL AIRLINE LICENCE COMPLIANCE DECLARATION FORM

Made under the provisions of the Air Navigation Regulations 1947

I, Jane McKeon, on behalf of **Virgin Australia Airlines (NZ) Ltd** ('the airline'), being duly authorised, declare under regulation 18G of the Air Navigation Regulations 1947 that the airline:

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- ☒ Maintains a published Australian contact telephone number;
- ☒ Remains designated by the **Government of New Zealand** under the relevant international air services agreement and associated arrangements;
- ☒ Complies with the relevant provisions of the *Air Navigation Act 1920*, the *Air Navigation Regulations 1947*, and the *Air Navigation (Aircraft Noise) Regulations 1984*, as well as the relevant provisions of the *Civil Aviation Act 1988*, the *Civil Aviation (Carriers' Liability) Act 1959*, the *Aviation Transport Security Act 2004* and the regulations made under those Acts;
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I declare that the airline will continue to comply with all conditions indicated on the airline's International Airline Licence for the upcoming Northern Winter scheduling period for 2013.

Jane McKeon

Jane McKeon
Group Executive, Government Relations
Virgin Australia group of airlines

If the airline's details have changed in the last six months, please provide updated information below:



Australian Government

Department of Infrastructure, Transport,
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9.7 ✓

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I declare that the airline will continue to comply with all conditions indicated on the airline's International Airline Licence for the upcoming Northern Summer scheduling period for **2012**.

Jane McKeon

Jane McKeon
Group Executive, Government Relations
Virgin Australia group of airlines

If the airline's details have changed in the last six months, please provide updated information below:

17/2/12



Australian Government

Department of Infrastructure, Transport,
Regional Development and Local Government

INTERNATIONAL AIRLINE LICENCE
COMPLIANCE DECLARATION FORM

Made under the provisions of the Air Navigation Regulations 1947

I, Jane McKeon, on behalf of **Virgin Australia Airlines (NZ) Ltd** ('the airline'), being duly authorised, declare under regulation 18G of the Air Navigation Regulations 1947 that the airline:

[Please tick where applicable]

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- ☒ Complies with any other conditions, if any, imposed by the Secretary under subregulation 18B(2).

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I declare that the airline will continue to comply with all conditions indicated on the airline's International Airline Licence for the upcoming Northern Winter scheduling period for 2012.

Jane McKeon

Jane McKeon

Group Executive, Government Relations

Virgin Australia group of airlines

If the airline's details have changed in the last six months, please provide updated information below:



Australian Government

Department of Infrastructure, Transport,
Regional Development and Local Government

INTERNATIONAL AIRLINE LICENCE COMPLIANCE DECLARATION FORM

Made under the provisions of the Air Navigation Regulations 1947

I, Jane McKeon, on behalf of Virgin Samoa Ltd ('the airline'), being duly authorised, declare under regulation 18G of the Air Navigation Regulations 1947 that the airline:

[Please tick where applicable]

- ☐ Provides services that are operated under the authority of a valid Air Operator's Certificate issued under Division 2 of Part III of the *Civil Aviation Act 1988*.*
- ☒ Provides services that are operated under the authority of a valid Transport Security Program approved under Part 2 of the *Aviation Transport Security Act 2004*.*
- ☒ Maintains insurance coverage in relation to passenger liability, third party liability, cargo and baggage liability and any injury and loss resulting from active hostilities or civil unrest;
- ☒ Continues to meet nationality or other designation or authorisation requirements as stipulated in the relevant international air services agreement and associated arrangements;
- ☒ Maintains a published Australian contact telephone number;
- ☒ Remains designated by the Government of Samoa under the relevant international air services agreement and associated arrangements;
- ☒ Complies with the relevant provisions of the *Air Navigation Act 1920*, the *Air Navigation Regulations 1947*, and the *Air Navigation (Aircraft Noise) Regulations 1984*, as well as the relevant provisions of the *Civil Aviation Act 1988*, the *Civil Aviation (Carriers' Liability) Act 1959*, the *Aviation Transport Security Act 2004* and the regulations made under those Acts;
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- ☒ Complies with any other conditions, if any, imposed by the Secretary under subregulation 18B(2).

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Jane McKeon

Jane McKeon

Group Executive, Government Relations

Virgin Australia group of airlines

If the airline's details have changed in the last six months, please provide updated information below:



Australian Government

Department of Infrastructure, Transport,
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- ☒ Maintains a published Australian contact telephone number;
- ☒ Remains designated by the **Government of Samoa** under the relevant international air services agreement and associated arrangements;
- ☒ Complies with the relevant provisions of the *Air Navigation Act 1920*, the *Air Navigation Regulations 1947*, and the *Air Navigation (Aircraft Noise) Regulations 1984*, as well as the relevant provisions of the *Civil Aviation Act 1988*, the *Civil Aviation (Carriers' Liability) Act 1959*, the *Aviation Transport Security Act 2004* and the regulations made under those Acts;
- ☐ (for Qantas only) complies with relevant provisions of the *Qantas Sale Act 1992*;
- ☐ (for Australian airlines only) Holds the necessary capacity allocations as determined by the International Air Services Commission under the *International Air Services Commission Act 1992*; and
- ☒ Complies with any other conditions, if any, imposed by the Secretary under subregulation 18B(2).

* Airlines currently providing scheduled code share services only, or providing services using wet-leased aircraft only, are not required to hold a valid Air Operator's Certificate and relevant Transport Security Program. However, they must ensure that services provided by another air operator are operated in accordance with valid approvals.

I declare that the airline will continue to comply with all conditions indicated on the airline's International Airline Licence for the upcoming Northern Summer scheduling period for 2013.

Jane McKeon

Jane McKeon

Group Executive, Government Relations

Virgin Australia group of airlines

If the airline's details have changed in the last six months, please provide updated information below:



Australian Government

Department of Infrastructure, Transport,
Regional Development and Local Government

INTERNATIONAL AIRLINE LICENCE COMPLIANCE DECLARATION FORM

Made under the provisions of the Air Navigation Regulations 1947

I, Jane McKeon, on behalf of **Virgin Samoa Ltd** (the airline), being duly authorised, declare under regulation 18G of the Air Navigation Regulations 1947 that the airline:

[Please tick where applicable]

- ☐ Provides services that are operated under the authority of a valid Air Operator's Certificate issued under Division 2 of Part III of the *Civil Aviation Act 1988*.*
- ☒ Provides services that are operated under the authority of a valid Transport Security Program approved under Part 2 of the *Aviation Transport Security Act 2004*.*
- ☒ Maintains insurance coverage in relation to passenger liability, third party liability, cargo and baggage liability and any injury and loss resulting from active hostilities or civil unrest;
- ☒ Continues to meet nationality or other designation or authorisation requirements as stipulated in the relevant international air services agreement and associated arrangements;
- ☒ Maintains a published Australian contact telephone number;
- ☒ Remains designated by the **Government of Samoa** under the relevant international air services agreement and associated arrangements;
- ☒ Complies with the relevant provisions of the *Air Navigation Act 1920*, the *Air Navigation Regulations 1947*, and the *Air Navigation (Aircraft Noise) Regulations 1984*, as well as the relevant provisions of the *Civil Aviation Act 1988*, the *Civil Aviation (Carriers' Liability) Act 1959*, the *Aviation Transport Security Act 2004* and the regulations made under those Acts;
- ☐ (for Qantas only) complies with relevant provisions of the *Qantas Sale Act 1992*;
- ☐ (for Australian airlines only) Holds the necessary capacity allocations as determined by the International Air Services Commission under the *International Air Services Commission Act 1992*; and
- ☒ Complies with any other conditions, if any, imposed by the Secretary under subregulation 18B(2).

* Airlines currently providing scheduled code share services only, or providing services using wet-leased aircraft only, are not required to hold a valid Air Operator's Certificate and relevant Transport Security Program. However, they must ensure that services provided by another air operator are operated in accordance with valid approvals.

I declare that the airline will continue to comply with all conditions indicated on the airline's International Airline Licence for the upcoming Northern Winter scheduling period for **2012**.

Jane McKeon

Jane McKeon

Group Executive, Government Relations

Virgin Australia group of airlines

If the airline's details have changed in the last six months, please provide updated information below:



**INTERNATIONAL AIRLINE LICENCE
COMPLIANCE DECLARATION FORM**

Made under the provisions of the Air Navigation Regulations 1947

I, Jane McKeon, on behalf of **Virgin Samoa Ltd** ('the airline'), being duly authorised, declare under regulation 18G of the Air Navigation Regulations 1947 that the airline:

[Please tick where applicable]

- ☐ Provides services that are operated under the authority of a valid Air Operator's Certificate issued under Division 2 of Part III of the *Civil Aviation Act 1988*.*
- ☒ Provides services that are operated under the authority of a valid Transport Security Program approved under Part 2 of the *Aviation Transport Security Act 2004*.*
- ☒ Maintains insurance coverage in relation to passenger liability, third party liability, cargo and baggage liability and any injury and loss resulting from active hostilities or civil unrest;
- ☒ Continues to meet nationality or other designation or authorisation requirements as stipulated in the relevant international air services agreement and associated arrangements;
- ☒ Maintains a published Australian contact telephone number;
- ☒ Remains designated by the **Government of Samoa** under the relevant international air services agreement and associated arrangements;
- ☒ Complies with the relevant provisions of the *Air Navigation Act 1920*, the *Air Navigation Regulations 1947*, and the *Air Navigation (Aircraft Noise) Regulations 1984*, as well as the relevant provisions of the *Civil Aviation Act 1988*, the *Civil Aviation (Carriers' Liability) Act 1959*, the *Aviation Transport Security Act 2004* and the regulations made under those Acts;
- ☐ (for Qantas only) complies with relevant provisions of the *Qantas Sale Act 1992*;
- ☐ (for Australian airlines only) Holds the necessary capacity allocations as determined by the International Air Services Commission under the *International Air Services Commission Act 1992*; and
- ☒ Complies with any other conditions, if any, imposed by the Secretary under subregulation 18B(2).

* Airlines currently providing scheduled code share services only, or providing services using wet-leased aircraft only, are not required to hold a valid Air Operator's Certificate and relevant Transport Security Program. However, they must ensure that services provided by another air operator are operated in accordance with valid approvals.

I declare that the airline will continue to comply with all conditions indicated on the airline's International Airline Licence for the upcoming Northern Summer scheduling period for **2012**.

Jane McKeon

Jane McKeon
Group Executive, Government Relations
Virgin Australia group of airlines

If the airline's details have changed in the last six months, please provide updated information below:

17/2/12



Australian Government

Department of Infrastructure, Transport,
Regional Development and Local Government

INTERNATIONAL AIRLINE LICENCE COMPLIANCE DECLARATION FORM

Made under the provisions of the Air Navigation Regulations 1947

I, Jane McKeon, on behalf of Virgin Australia Airlines (SE Asia) Pty Ltd ('the airline'), being duly authorised, declare under regulation 18G of the Air Navigation Regulations 1947 that the airline:

[Please tick where applicable]

- ☐ Provides services that are operated under the authority of a valid Air Operator's Certificate issued under Division 2 of Part III of the *Civil Aviation Act 1988*;^{*}
- ☒ Provides services that are operated under the authority of a valid Transport Security Program approved under Part 2 of the *Aviation Transport Security Act 2004*;^{*}
- ☒ Maintains insurance coverage in relation to passenger liability, third party liability, cargo and baggage liability and any injury and loss resulting from active hostilities or civil unrest;
- ☒ Continues to meet nationality or other designation or authorisation requirements as stipulated in the relevant international air services agreement and associated arrangements;
- ☒ Maintains a published Australian contact telephone number;
- ☒ Remains designated by the Government of Australia under the relevant international air services agreement and associated arrangements;
- ☒ Complies with the relevant provisions of the *Air Navigation Act 1920*, the *Air Navigation Regulations 1947*, and the *Air Navigation (Aircraft Noise) Regulations 1984*, as well as the relevant provisions of the *Civil Aviation Act 1988*, the *Civil Aviation (Carriers' Liability) Act 1959*, the *Aviation Transport Security Act 2004* and the regulations made under those Acts;
- ☐ (for Qantas only) complies with relevant provisions of the *Qantas Sale Act 1992*;
- ☒ (for Australian airlines only) Holds the necessary capacity allocations as determined by the International Air Services Commission under the *International Air Services Commission Act 1992*; and
- ☒ Complies with any other conditions, if any, imposed by the Secretary under subregulation 18B(2).

^{*} Airlines currently providing scheduled code share services only, or providing services using wet-leased aircraft only, are not required to hold a valid Air Operator's Certificate and relevant Transport Security Program. However, they must ensure that services provided by another air operator are operated in accordance with valid approvals.

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Jane McKeon

Jane McKeon

Group Executive, Government Relations

Virgin Australia group of airlines

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